Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Sixteenth Regular Session

OF THE

Legislative Assembly

Held at Helena, the Seat of Government of Said State,
commencing January 6, 1919, and ending
March 6, 1919

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Certificate of Authentication

STATE OF MONTANA, }
} ss.
Secretary's Office }

I, C. T. Stewart, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Sixteenth Regular Session of the Legislative Assembly of said State, commencing January 6th, 1919, and held at Helena, the seat of government of said State, and, in addition, true and correct copies of laws initiated and passed by the people of Montana at the general election of November 5th, 1918.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State.

(SEAL) Done at the City of Helena, the seat of government of said State of Montana, this 21st day of April, A. D. 1919.

C. T. STEWART,
Secretary of State.

OFFICERS AND MEMBERS

OF THE

16th Legislative Assembly of the State of Montana

Governor, S. V. STEWART
Lieutenant Governor and President of the Senate, W. W. McDOWELL
Speaker of the House, O. W. BELDEN

STATE SENATORS

Name	Residence	County	Politics
Anderson, J. W.	Sidney	Richland	Republican
*Arnold, Geo. O.	Manhattan	Gallatin	Democratic
Booth, Edwin S.	Baker	Fallon	Republican
Burgess, C. N.	Townsend	Broadwater	Democratic
*Burla, Gwen F.	Hardin	Big Horn	Democratic
Burlingame, J. M.	Great Falls	Cascade	Republican
Clark, T. L.	Sweet Grass	Toole	Democratic
*Clay, Geo. W.	Malta	Phillips	Republican
Cone, Frank	Hamilton	Ravalli	Republican
Connelly, F. B.	Billings	Yellowstone	Republican
Cooper, Geo. R.	St. Regis	Mineral	Republican
Craig, James W.	Piniele	Carter	Republican
Donlan, Edward	Missoula	Missoula	Republican
Edwards, John E.	Forsyth	Rosebud	Republican
*Ellingson, Henry	Big Timber	Sweet Grass	Republican
*Featherly, George P.	Dillon	Beaverhead	Republican
Foster, J. E.	Harlowton	Wheatland	Republican
Gallwey, Harry A.	Butte	Silver Bow	Democratic
*Gnose, J. B.	Anaconda	Deer Lodge	Republican
*Haley, W. S.	Terry	Prairie	Republican
*Healy, Daniel	Livingston	Park	Democratic
*Heren, Rolla P.	Miles City	Custer	Republican
Junod, O. H.	Sheridan	Madison	Republican
Kinney, J. C.	Wibaux	Wibaux	Republican
Larson, T. O.	Choteau	Teton	Republican
Leuthold, J. H.	Park City	Stillwater	Republican
Lewis, Vernon E.	Ft. Benton	Chouteau	Republican
Long, F. A.	Eureka	Lincoln	Republican
Lowe, Henry P.	Culbertson	Sheridan	Republican
*McCone, George	Glendive	Dawson	Republican
McKay, John F.	Thompson Falls	Sanders	Democratic
*Morris, Claude F.	Havre	Hill	Democratic
*O'Shea, Daniel G.	Red Lodge	Carbon	Democratic
Page, John R.	Philipsburg	Granite	Democratic
Parker, Montgomery H.	Boulder	Jefferson	Democratic
Pauline, Robt.	Kalispell	Flathead	Republican
Slattery, John L.	Glasgow	Valley	Republican
*Slayton, Daniel W.	Lavina	Musselshell	Republican
Smith, Park	Helena	Lewis & Clark	Republican
*Taylor, L. B.	Lloyd	Blaine	Republican
White, B. C.	Buffalo	Fergus	Democratic
*Williams, Charles H.	Deer Lodge	Powell	Republican
Wood, Jas. T.	White Sul. Spgs	Meagher	Republican

*Holdovers. Elected in 1916. OSCAR CRUTCHFIELD, Secretary.

HOUSE OF REPRESENTATIVES

Name	Residence	County	Politics
Arnold, R. C.	Opheim	Valley	Democratic
Baggs, George T.	Stevensville	Ravalli	Republican
Baldwin, C. J.	Bridger	Carbon	Republican
Belden, O. W.	Lewistown	Fergus	Republican
Beley, Ward	Harlowton	Wheatland	Republican
Bent, Wallace A.	Warren	Carbon	Democratic
Bergeson, O. A.	Geraldine	Chouteau	Republican
Black, W. M.	Shelby	Toole	Republican
Boulware, Chas.	Butte	Silver Bow	Democratic
Brandjord, I. M.	Missoula	Missoula	Democratic
Brockway, B. G.	Billings	Yellowstone	Republican
Broderick, Hugh	Canton	Broadwater	Democratic
Brooks, Joseph	Livingston	Park	Republican
Brown, H. W.	Cascade	Cascade	Republican
Buchanan, Frank, Sr.	Hesper	Yellowstone	Republican
Budas, Albert	Red Lodge	Carbon	Republican
Buell, H. S.	Bozeman	Gallatin	Republican
Call, Thomas J.	Varney	Madison	Republican

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HOUSE OF REPRESENTATIVES Continued

Name	Residence	County	Politics
Carpenter, L. W.	Lee	Rosebud	Democratic
Carroll, Hugh S.	Butte	Silver Bow	Democratic
Chrystal, John L.	Anaconda	Deer Lodge	Democratic
Church, Ray	Helena	Lewis & Clark	Democratic
Coburn, John W.	Cut Bank	Teton	Republican
Collins, J. B.	Miles City	Custer	Republican
Conser, C. C.	Plevna	Fallon	Republican
Cooney, E. H.	Great Falls	Cascade	Republican
Corry, Arthur V.	Butte	Silver Bow	Democratic
Crouch, Samuel J.	Three Forks	Gallatin	Democratic
Crumbaker, Calvin	Carter	Chouteau	Republican
Demel, C. W.	Billings	Yellowstone	Democratic
Dillavou, R. C.	Billings	Yellowstone	Republican
Dodds, Percy F.	Whitefish	Flathead	Republican
Dryburgh, Wm.	Helena	Lewis & Clark	Republican
Dunn, W. F.	Butte	Silver Bow	Democratic
Eaton, Earnest T.	Billings	Yellowstone	Republican
Faust, H. J.	Drummond	Granite	Republican
Felton, W. R.	Square Butte	Chouteau	Republican
Finsley, Jesse W.	Jackson	Beaverhead	Democratic
Foley, John J.	Butte	Silver Bow	Democratic
Franklin, A. H.	Superior	Mineral	Democratic
Fuller, N. H.	Miles City	Custer	Republican
Gibson, Fred L.	Livingston	Park	Republican
Gladden, James W.	Perma	Sanders	Republican
Goodell, H. T.	Hobson	Fergus	Republican
Griffin, James	Chinook	Blaine	Republican
Gudmunsen, O. M.	Rapelje	Stillwater	Republican
Gullidge, A. O.	Terry	Prairie	Republican
Haaland, Jasper, Jr.	Lucerne	Hill	Republican
Harrington, Jerry J.	Butte	Silver Bow	Democratic
Hathaway, Maggie Smith	Stevensville	Ravalli	Democratic
Henderson, W. C.	Jordan	Dawson	Republican
Higgins, Ronald	Missoula	Missoula	Republican
Hofman, John	McCabe	Roosevelt	Republican
Holt, S. A.	Ekalaka	Carter	Republican
Hunter, James	Klein	Musselshell	Republican
Ingalls, Emma A.	Kalispell	Flathead	Republican
Johnson, Edw. C.	Anaconda	Deer Lodge	Republican
Jones, Dudley	Dodson	Phillips	Republican
Jones, Hugh M.	Cascade	Cascade	Republican
Jones, J. Earl	Lambert	Richland	Republican
Kelly, Dan M.	Butte	Silver Bow	Democratic
Kelsey, Frank T.	Moorhead	Custer	Republican
King, D. B.	Butte	Silver Bow	Democratic
Lemmon, C. A.	Anaconda	Deer Lodge	Democratic
McAfee, J. H.	Kalispell	Flathead	Republican
McCormick, Washington Jay	Missoula	Missoula	Republican
McQuarrie, Daniel L.	Missoula	Missoula	Republican
Mead, Jas. A.	West Fork	Valley	Democratic
Meigs, W. H.	Great Falls	Cascade	Republican
Meyer, William	Butte	Silver Bow	Democratic
Middleton, J. R.	Hysham	Rosebud	Republican
Mo, E. J.	Big Timber	Sweet Grass	Republican
Mooney, E. T.	Butte	Silver Bow	Democratic
Muth, William	Helena	Lewis & Clark	Democratic
Naylor, E. M.	Glendive	Dawson	Republican
Newman, L.	Great Falls	Cascade	Democratic
Nyquist, John S.	Poplar	Sheridan	Republican
Otten, H. C.	Lewistown	Fergus	Republican
Penwell, M. W.	Belgrade	Gallatin	Republican
Rasmussen, C. A.	Glendive	Dawson	Republican
Reid, C. W.	Been	Wibaux	Republican
Rhoads, Harmon T.	Choteau	Teton	Republican
Roberts, J. W.	Great Falls	Cascade	Republican
Scharnikow, Edward	Deer Lodge	Powell	Democratic
Scott, Geo. H.	Butte	Silver Bow	Republican
Scott, W. J.	Hardin	Big Horn	Republican
Sektnan, M.	Glasgow	Valley	Democratic
Silverman, Moz J.	Helena	Lewis & Clark	Republican
Sinclair, J. B.	Kalispell	Flathead	Republican
Stephens, Chas.	Highwood	Chouteau	Republican
Stewart, Jas. H.	White Sul. Spgs	Meagher	Democratic
Sullivan, M. J.	Alhambra	Jefferson	Democratic
Treloar, Samuel H.	Butte	Silver Bow	Republican
Walsh, Jas. A.	Missoula	Missoula	Democratic
Weil, C. A.	Eureka	Lincoln	Democratic
Wilcomb, A. J.	Twin Bridges	Madison	Republican
Wilson, Jno. A.	Stanford	Fergus	Republican
Wood, Thos. P.	Helena	Lewis & Clark	Democratic

W. O. CRAIG, Chief Clerk.

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SESSION LAWS

CHAPTER 1.

"An Act to Amend Section 3358 of the Revised Codes of Montana 1907, Relating to Taxation."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3358 of the Revised Codes of the State of Montana of 1907 be and the same is hereby amended to read as follows:

Section 3358, Revised Codes 1907, amended.

"Section 3358. **Annual Tax Levy.**—The Council must, on or before the first Monday of August of each year, by resolution, determine the amount of city or town taxes for all purposes, to be levied and assessed on the taxable property in the city or town for the current fiscal year, and the city clerk must at once certify to the County Treasurer a copy of such resolution, and the County Treasurer must collect the taxes as in this Article provided; provided, that in cities where the council has provided by ordinance for the collection of their taxes by the city treasurer, the city clerk must certify a copy of such resolution to the city treasurer."

Annual tax levy, date for making.

County treasurer to collect taxes.

City treasurer to collect taxes, when.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 31, 1919.

CHAPTER 2.

An Act to Amend Section 3887 of the Revised Codes of Montana, Relating to the Assessment of the Stock of Corporations, Whose Stock Is Not Assessable Under the Provisions of Its Articles of Incorporation.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 3887, Revised Codes, amended.

Section 1. That Section 3887 of the Revised Codes of Montana be, and the same is hereby, amended to read as follows:

Corporations whose stock is non-assessable may make same assessable.

Mode of proceeding.

Section 3887. Any corporation organized under the laws of the State of Montana whose stock is not assessable may, by and with the consent of stockholders in such corporation, holding three fourths of the stock of such corporation, in writing, spread upon the records of such corporation, render its stock assessable, under the provisions of this chapter. The board of directors of any corporation formed under the laws of the State of Montana, where such corporation desires to avail itself of the provisions of this chapter shall file and have recorded in the office of the Secretary of State, and in the office of the County Clerk and Recorder where the original articles of incorporation were filed, a certificate duly acknowledged as provided in cases of articles of incorporation, stating that the stock of such corporation has been rendered assessable by a compliance with the provisions of this section, and thereafter such corporation shall have the right to levy assessments upon its capital stock as provided in this chapter.

Certificate to be filed.

Section 2. This Act shall be in full force and effect upon its approval by the Governor.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 6, 1919.

CHAPTER 3.

An Act to amend Section 8292 Revised Codes of Montana 1907, Defining Murder in the First and Second Degrees.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 8292, Revised Codes.

Section 1. That Section 8292 Revised Codes of Montana 1907, defining murder in the first and second degrees, be and the same is hereby amended so as to read as follows:

Murder in first degree defined.

"Section 8292. Degrees of Murder. All murder which is perpetrated by means of poison, or lying in wait, torture, or by any other kind of willful, deliberate and premeditated killing, or which is committed in the perpetration or attempt to perpetrate arson, rape, robbery, burglary or mayhem, or perpetrated from a deliberate and premeditated design, unlawfully and maliciously, to effect

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the death of any human being other than him who is killed, is murder of the first degree; and all other kinds of murder are of the second degree."

Repealing clause and proviso.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed; provided, that nothing herein contained shall be construed to relieve any person from prosecution for murder which shall have been committed prior to the approval of this act, but the same shall be prosecuted under the provisions of said Section 8292, notwithstanding such repeal, and said section shall be continued in force for the purpose of such prosecutions only.

Acts committed prior to this Act not included.

Section 3. This act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 6, 1919.

CHAPTER 4.

"An Act to create the County of Garfield, designate its boundaries and provide for its organization and government, and to change the boundaries of Dawson County to conform thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Garfield county created.

Section 1. That all that portion of the State of Montana embraced within the following boundaries shall be known as, and shall be, Garfield County in the State of Montana, to-wit:

Boundaries.

Beginning at the point of intersection of the middle of the Missouri River with the North line of Township 25 North, Range 41 East; thence running East along the said North line of Township 25 North, Range 41 East, to the Northeast corner of said Township 25; thence due South along the range line between Ranges 41 and 42 East, to the Southeast corner of Township 25 North, Range 41 East; thence East along the North line of Township 24 North, Range 42 East, to the Northeast corner of Township 24 North, Range 42 East; thence South along the range line between Ranges 42 and 43 East and the range line between Ranges 42 and 43 East, extended, to the point of intersection of said range line extended, with the North line of Township 20 North, the same being the Southeast corner of unsurveyed Township 21 North, Range 42 East; thence West along the North line, extended, of Township 20 North, to the point of intersection of said extended North line of Township 20

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North with the range line between Ranges 42 and 43 East, extended, the same being the Northeast corner of unsurveyed Township 20 North, Range 42 East; thence due South along the range line between Ranges 42 and 43 East, to the Southeast corner of Township 19 North, Range 42 East; thence due east along the North Line of Township 18 North, Range 43 East, to the Northeast corner of Township 18 North, Range 43; thence due South along the range line between Ranges 43 and 44 East, to the Southeast corner of Township 17 North, Range 43 East; thence due East along the North line of Township 16 North, Range 44 East, to the Northeast corner of Township 16, North, Range 44 East; thence due South along the Range line between Ranges 44 and 45 East to the point of intersection of said range line with the North boundary line of Custer County; thence West along the North line of Custer County and the North line of Rosebud County to the point of intersection of the North line of Rosebud County with the center of the Musselshell River; thence in a northerly direction along the center of the Musselshell River to the point of confluence of the Musselshell River with the Missouri River; thence in a northerly and easterly direction along the center of the Missouri River to the place of beginning.

Attached to Sixteenth Judicial District.

Section 2. That for judicial purposes the said County of Garfield shall be attached to, and become a part of, the Sixteenth Judicial District of the State of Montana.

Selection of temporary county seat.

Section 3. That the temporary county seat of said County of Garfield shall be selected and designated in the manner provided by the provisions of Chapter 135 of the Acts of the Twelfth Legislative Assembly of the State of Montana, approved March 9th, 1911.

Laws applicable to new county.

Section 4. All laws of a general nature applicable to the several counties of the State of Montana and all offices thereof shall be made applicable to the said County of Garfield, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this Act.

Organization of Board of County Commissioners

Section 5. It shall be the duty of the persons hereinafter appointed to the office of County Commissioners of said County of Garfield by this Act, to meet at the town of Jordan in said County of Garfield within fifteen (15) days after the passage and approval of this Act, and then and there organize as a Board of County Commissioners by electing one of their number as Chairman.

Section 6. That all the indebtedness of Dawson

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County, as the same shall exist on the first day of April, 1919, shall be apportioned between the County of Dawson and the County of Garfield by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to said Dawson County and also deducting the value of all real and personal property within or belonging to the said Dawson County on the first day of April, 1919, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Dawson County, and the taxable property in Garfield County, and heretofore within the boundaries of Dawson County; said amount of taxable property to be ascertained and said apportionment and valuation of the county property to be made by a commission consisting of the Board of County Commissioners of Dawson County and Garfield County and the Judge of the Sixteenth Judicial District of the State of Montana, which said commission shall meet at the Court House in the city of Glendive on the first Monday in April, 1919, and shall take as a standard for said apportionment of indebtedness the assessment of the year 1918, as determined by the Board of Equalization of said Dawson County.

Apportionment of indebtedness of Dawson county.

Commission to ascertain value and apportion indebtedness.

To meet when and where.

Section 7. That the treasurer of the said County of Dawson shall at the time of the adjustment, as provided in this Act, make out and transmit to the county commissioners of Garfield County a list of all delinquent taxes and amounts of uncollected taxes within the limits of Garfield County as above defined; provided, that no delinquent taxes due the County of Dawson shall be considered in the adjustment of the debt as hereinbefore provided; but it shall be the duties of the treasurers of Dawson and Garfield counties to collect such delinquent taxes as shall be due said county, and to turn over, within thirty days after making such collection, to the treasurer of Garfield County a pro rata share of such taxes as he may be able to collect.

List of delinquent taxes.

Duty of County Treasurer to collect delinquent taxes.

It is further provided that should there be a surplus of funds in the hands of the treasurer of Dawson County after the adjustment hereinbefore provided, said surplus shall be divided between the counties of Dawson and Garfield, in the same manner as herein provided for dividing the indebtedness.

Surplus funds.

Section 8. That upon the adjustment of said indebtedness, it shall be the duty of the County Commissioners of

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Duty of County Commissioners in settlement with Dawson county.

Garfield County to cause to be made out, issued and delivered to the County Commissioners of Dawson County warrants for any amounts found due said county, which warrants upon presentation shall be endorsed by the treasurer of Garfield County, "Not paid for want of funds", and shall thereafter draw interest as other county warrants.

Bonds which may be issued to pay indebtedness.

Section 9. The County Commissioners of the County of Garfield, for the purpose of paying any of the indebtedness which may be incurred, by reason of assuming any of the indebtedness of the County of Dawson, are hereby authorized and empowered to cause to be issued, and to sell at not less than par the bonds of the said County of Garfield in an amount equal to said indebtedness so incurred, in the manner provided by law for the issuing and sale of county bonds.

Transfer of school moneys.

Section 10. It is hereby made the duty of the County Treasurer of Dawson County to transfer and pay over on or before the first day of August, 1919, all moneys in said county of Dawson to the credit of school districts embraced within the limits of said County of Garfield as may have been hereby taken from the said county of Dawson, which said moneys so transferred shall be held by the said County of Garfield to the credit and for the use of the same school districts as they formerly existed.

Contract for transcribing records.

Section 11. The Board of County Commissioners of Garfield County are hereby empowered and it shall be their duty to provide suitable books and to contract with the lowest responsible bidder for transcribing and indexing the records of the old county or counties all such parts thereof as relate to or affect property, or the title thereof, situated in the new county, and said records when so transcribed and certified, as herein provided, shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; providing that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens and original affidavits of registration which may affect or relate to property or persons situate within the new county shall be by the County Clerk of the old county delivered to the County Clerk of the new county and be preserved by said County Clerk of the new county as permanent files of such new county.

Delivery of records affecting new county.

The County Clerk of the County of Dawson shall receive

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for the services in comparing and certifying to the correctness of the copy of said records, Five Dollars ($5.00) per day while engaged in said labor, which amount shall be paid by the County of Garfield on the completion of said labor.

Compensation of clerk for comparing and certifying records.

Section 12. All actions pending in the District Court of the old county for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate lying in the County of Garfield shall, on motion of any party thereto, be transferred to the District Court to which the County of Garfield is attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the County of Garfield. All other actions or special proceedings pending in the District Court of said old county, on motion of any party interested therein, shall be transferred to the District Court of said County of Garfield, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the said County of Garfield.

Transfer of actions and proceedings.

Section 13. The following named persons are hereby appointed to fill the offices as set opposite their names:

Officers appointed by Act.

County Commissioner	Arthur Markley
County Commissioner	Walter Barker
County Commissioner	Ben Fleming
County Treasurer	C. M. Biever
County Assessor	C. J. Taylor
Clerk of the District Court	I. C. Attix
Clerk and Recorder	W. I. Harvey
County Attorney	John J. Cavan
County Superintendent of Schools	Miss Lois H. Quinn
County Sheriff	Matt Roke
County Surveyor	L. L. Williams
Public Administrator	H. D. Huff
Coroner	W. F. McCants

All of said officers shall have power and perform the same duties and be entitled to the same privileges as by law conferred on like officers in other counties and shall hold their respective offices until after the next general election, or until their successors are duly elected and qualified, the said officers, however, before entering upon their duties shall severally give bonds and take the oath as required of the county officers of other counties in other counties of this State, and said bonds shall be filed as by law required and approved by the State Auditor.

Powers and duties of officers.

Bond and oath.

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County to be of seventh class.

Section 14. That said County of Garfield shall be designated as a county of the seventh class, and the officers appointed, as mentioned herein in Section 13, shall each be allowed to receive as annual compensation as such officers, such salary, compensation and emoluments as are provided by law for officers of counties of the seventh class.

Subdivision of county into municipal townships and road districts.

Section 15. That at their first meeting the said Commissioners of Garfield County are empowered to subdivide said county into municipal townships and establish road districts, and they are hereby authorized to appoint two justices of the peace and two constables for each municipal township, and road supervisor for each road district, when required, as provided by the Revised Codes of 1907, of the State of Montana, who shall hold their offices until their successors are elected or appointed and qualified.

Justices of the peace and road supervisors.

Old officers who hold over.

All township and precinct officers, road supervisors, officers of school districts and other officers, within and for the County of Garfield, whose election or appointment is not provided for, shall and may continue to hold office and exercise the duties pertaining thereto until the expiration of the term for which said officers were elected or appointed.

Court house to be constructed, when.

Section 16. No court house shall be constructed by said County of Garfield until the permanent county seat is, as hereinbefore provided, determined; provided that the Board of County Commissioners may erect such temporary structure as may be necessary, not exceeding the cost of Four Thousand Dollars ($4,000.00), for the purpose of being used as a County Court House.

Boundaries of Dawson county altered.

Section 17. The county boundaries of the County of Dawson are hereby altered so as to conform to the boundaries of Garfield County as established by this Act.

Section 18. This Act shall take effect from and after the first day of April, 1919.

This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in session, it has become a law without the Governor's signature, this seventh day of February A. D. 1919.

C. T. STEWART,
Secretary of State.

CHAPTER 5.

"An Act to Create the County of Treasure, Designate Its Boundaries and Provide for Its Organization and

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Government, and to Change the Boundaries of Rosebud County to Conform Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the State of Montana embraced within the following boundaries shall be known as, and shall be, Treasure County in the State of Montana, to-wit: Treasure county created.

Beginning at the Northwest corner of Section 4, Township 8 North, Range 32 East; thence along the North line of Township 8 North, to the Northeast corner of Section 2, Township 8 North, Range 36 East; thence South along the section line to the southeast corner of Section 2, Township 8 North, Range 36 East; thence East to the intersection of the South boundary line of Section 1 with the Range line between Ranges 36 and 37; thence south along the range line between Ranges 36 and 37; to the intersection of the North township line of Township 7 North; thence East along the Township line of Township 7 North to the intersection with the range line between Ranges 37 and 38; thence South along the Section line between Ranges 37 and 38 to the center of the main channel of the Yellowstone River; thence in a southeasterly course along the main channel of the Yellowstone River to the East Line of Section 6, Township 6 North, Range 38 East; thence due South along the East line of Sections 6, 7, 18, 19, 30 and 31 of Townships 6 and 5 North, Range 38 East, to the Southeast corner of Section 31, Township 5 North, Range 38 East; thence East along the North line of Township 4 North, Range 38 East, to the Northeast corner of Township 4 North, Range 38 East; thence South to the Southeast corner of Section 36, Township 2 North, Range 38 East; thence West to the Southwest corner of Township 2 North, Range 38 East; thence North to the Southwest corner of Section 18, Township 2 North, Range 38 East; thence West along the South line of Section 13, 14, 15, 16, 17 and 18 to the Southwest corner of Section 18, Township 2 North, Range 37 East; thence North along the Range line to the Southwest corner of Section 31, Township 3 North, Range 37 East; thence West along the South line of Township 3 North, Range 35 East; thence North along the Range line to the Southwest corner of Section 31, Township 4 North, Range 35 East; thence West along the South line of Township 3 North, Range 34 East, to the center of the Big Horn River; thence in a northeasterly direction along Boundaries.

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the center of the Big Horn River to the point of confluence of the Yellowstone and Big Horn Rivers in Township 5 North, Range 34 East; running thence along the West line of Section 22, Township 5 North, Range 34 East, to the Northwest corner of said Section 22; thence West one mile to the Northwest corner of Section 21; thence North one mile to the Northeast corner of Section 17; thence West one mile to the Northwest corner of Section 17; thence North two miles to the Northeast corner of Section 6, Township 5 North, Range 34 East; thence West one mile to the Southeast corner of Section 36; Township 6 North, Range 33 East; thence North along the Range line two miles to the Northeast corner of Section 25; thence West one mile to the Northwest corner of Section 25; thence North one mile to the Northeast corner of Section 23; thence West one mile to the Northwest corner of Section 23; thence North two miles to the Northeast corner of Section 10; thence West one mile to the Northwest corner of Section 10; thence North one mile to the Northeast corner of Section 4, Township 6 North, Range 33 East; thence West one mile to the Southwest corner of Section 33, Township 7 North, Range 33 East; thence North three miles to the Northeast corner of Section 20; thence West one mile to the Northwest corner of Section 20; thence North one mile to the Northeast corner of Section 18; thence West one mile to the Southwest corner of Section 7; thence North along the Range line two miles to the Northwest corner of Section 6, Township 7 North. Range 33 East; thence West one mile to the Southwest corner of Section 36, Township 8 North, Range 32 East; thence North one mile to the Northwest corner of Section 36; thence West one mile to the Southwest corner of Section 26; thence North two miles to the Northeast corner of Section 22; thence West one mile to the Northwest corner of Section 22; thence North two miles to the Northeast corner of Section 9; thence West one mile to the Northwest corner of Section 9; thence North along the West side of Section 4 to the Northwest corner of Section 4, Township 8 North, Range 32 East, to the place of beginning.

Attached to Fifteenth Judicial District.

Section 2. That for judicial purposes the said County of Treasure shall be attached to, and become a part of, the Fifteenth Judicial District of the State of Montana.

Selection of temporary county seat.

Section 3. That the temporary county seat of said County of Treasure shall be selected and designated in the manner provided by the provisions of Chapter 135

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of the Acts of the Twelfth Legislative Assembly of the State of Montana, approved March 9th, 1911.

Section 4. All laws of a general nature applicable to the several counties of the State of Montana, and all offices thereof shall be made applicable to the said County of Treasure, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this Act.

Laws applicable to new county.

Section 5. It shall be the duty of the persons hereinafter appointed to the office of County Commissioners of said County of Treasure by this Act, to meet at the town of Hysham in said County of Treasure within fifteen (15) days after the passage and approval of this Act, and then and there organize as a Board of County Commissioners, by electing one of their number as Chairman.

Organization of Board of County Commissioners.

Section 6. That all the indebtedness of Rosebud County, as the same shall exist on the first day of January, 1919, shall be apportioned between the County of Rosebud and the County of Treasure by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to said Rosebud County and also deducting the value of all real and personal property within or belonging to the said Rosebud County on the first day of January, 1919, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Rosebud County, and the taxable property in Treasure County, and heretofore within the boundaries of Rosebud County; said amount of taxable property to be ascertained and said apportionment and valuation of the county property to be made by a commission consisting of the Board of County Commissioners of Rosebud County and Treasure County and the Judge of the Fifteenth Judicial District of the State of Montana, which said commission shall meet at the Court House in the city of Forsyth on the first Monday in April, 1919, and shall take as a standard for said apportionment of indebtedness the assessment of the year 1918, as determined by the Board of Equalization of said Rosebud County.

Apportionment of indebtedness of Rosebud county.

Commission to ascertain value and apportion indebtedness.

To meet when and where.

Section 7. That the treasurers of the said counties of Rosebud and Treasure shall at the time of the adjustment, as provided in this Act, make out and transmit to the county commissioners of Treasure County a list of all delinquent taxes and amounts of uncollected taxes within the limits of Treasure County as above defined; provided

List of delinquent taxes.

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that no delinquent taxes due the County of Rosebud shall be considered in the adjustment of the debt as hereinbefore provided; but it shall be the duties of the treasurers of Rosebud and Treasure Counties to collect such delinquent taxes as shall be due said county, and to turn over, within thirty days after making such collection, to the treasurer of Treasure County a pro rata share of such taxes as he may be able to collect.

Duty of county treasurers to collect delinquent taxes.

It is further provided that should there be a surplus of funds in the hands of the treasurer of Rosebud County after the adjustment hereinbefore provided said surplus shall be divided between the Counties of Rosebud and Treasure, in the same manner as herein provided for dividing the indebtedness.

Surplus funds.

Section 8. That upon the adjustment of said indebtedness, it shall be the duty of the County Commissioners of Treasure County to cause to be made out, issued and delivered to the County Commissioners of Rosebud County warrants for any amount found due said county, which warrants upon presentation shall be endorsed by the treasurer of Rosebud County, "Not paid for want of funds," and shall thereafter draw interest as other county warrants.

Duty of county commissioners in settlement with Rosebud county.

Section 9. The County Commissioners of the County of Treasure, for the purpose of paying any of the indebtedness which may be incurred, by reason of assuming any of the indebtedness of the County of Rosebud, are hereby authorized and empowered to cause to be issued and to sell at not less than par the bonds of the said County of Treasure in an amount to said indebtedness so incurred, in the manner provided by law for the issuing and sale of county bonds.

Bonds which may be issued to pay indebtedness.

Section 10. It is hereby made the duty of the County Treasurer of Rosebud County to transfer and pay over on or before the first day of August, 1919, all moneys in said County of Rosebud to the credit of school districts embraced within the limits of said County of Treasure as may have been hereby taken from the said County of Rosebud, which said moneys so transferred shall be held by the said County of Treasure to the credit and for the use of the same school districts as they formerly existed.

Transfer of school moneys.

Section 11. The Board of County Commissioners of Treasure County are hereby empowered and it shall be their duty to provide suitable books and to contract with the lowest responsible bidder for transcribing and indexing the records of the old county or counties all such

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parts thereof as relate to or affect property, or the title thereof, situated in the new county, and said records when so transcribed and certified, as herein provided, shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; providing that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens and original affidavits of registration which may affect or relate to property or persons situate within the new county, shall be by the County Clerk of the old county delivered to the County Clerk of the new county and be preserved by the said County Clerk of the new county as permanent files of such new county.

Contract for transcribing records.

Delivery of records affecting new county.

The County Clerk of the County of Rosebud shall receive for the services in comparing and certifying to the correctness of the copy of said records, Five Dollars ($5.00) per day while engaged in said labor, which amount shall be paid by the County of Treasure on the completion of said labor.

Compensation of clerk for comparing and certifying records.

Section 12. All actions pending in the District Court of the old county for the recovery of the possession of, quieting title to, or for the enforcement of liens upon, or any other actions affecting real estate lying in the County of Treasure shall, on motion of any party thereto, be trnsferred to the District Court to which the County of Treasure is attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the County of Treasure. All other actions or special proceedings pending in the District Court of said old county, on motion of any party interested therein, shall be transferred to the District Court of said County of Treasure, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the said County of Treasure.

Transfer of actions and proceedings.

Section 13. The following named persons are hereby appointed to fill the offices as set opposite their names:

County Commissioner.....George Warren
County Commissioner.....Herman Eldering
County Commissioner.....Floyd Ungles
County Treasurer.....D. E. Cole
County Assessor.....Jas. S. Dunning
Clerk of the District Court.....J. D. Clark
County Clerk and Recorder.....Jesse O. Crandall

Officers appointed by Act.

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County Attorney.....E. D. Gerye
County Superintendent of Schools.....Lillian Newnes
County Sheriff.....John Taylen
County Surveyor.....O. P. Pessman
Coroner .....A. O. Warnica
Public Administrator.....C. R. Dick

Powers and duties of officers.

All of said officers shall have power and perform the same duties and be entitled to the same privileges as by law conferred on like officers in other counties and shall hold their respective offices until after the next general election, or until their successors are duly elected and qualified; the said officers, however, before entering upon their duties shall severally give bonds and take the oath as required of the county officers of other counties in other counties of this State, and said bonds shall be filed as by law required and approved by the State Auditor.

Bond and oath.

County to be of seventh class.

Section 14. That said County of Treasure shall be designated as a county of the seventh class, and the officers appointed, as mentioned herein in Section 13, shall each be allowed to receive as annual compensation as such officers, such salary, compensation and emoluments as are provided by law for officers of counties of the seventh class.

Subdivision of county into municipal townships and road districts.

Section 15. That at their first meeting the said Commissioners of Treasure County are empowered to subdivide said county into municipal townships and establish road districts, and they are hereby authorized to appoint two justices of the peace and two constables for each municipal township, and road supervisor for each road district, when required, as provided by the Revised Codes of 1907 of the State of Montana, who shall hold their offices until their successors are elected or appointed and qualified.

Justices of the peace and road supervisors.

Old officers who hold over.

All township and precinct officers, road supervisors, officers of school districts and other officers, within and for the County of Treasure, whose election or appointment is not provided for, shall and may continue to hold office and exercise the duties pertaining thereto until the expiration of the term for which said officers were elected or appointed.

Court house to be constructed, when.

Section 16. No court house shall be constructed by the said County of Treasure until the permanent county seat is, as hereinbefore provided, determined; provided that the Board of County Commissioners may erect such temporty structure as may be necessary, not exceeding the

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cost of Four Thousand Dollars ($4,000.00) for the purpose of being used as County Court House.

Section 17. The County boundaries of the County of Rosebud are hereby altered so as to conform to the boundaries of Treasure County as established by this Act.

Rosebud county boundaries altered.

Section 18. This Act shall take effect from and after the first day of April, 1919.

This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in session, it has become a law without the Governor's signature this seventh day of February, A. D. 1919.

C. T. STEWART,
Secretary of State.

CHAPTER 6.

"An Act to Amend Section 3611 of the Revised Codes of Montana of 1907 Relative to the Incompetency of Parties to Contract Marriage."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3611 of the Revised Codes of Montana of 1907 be, and the same is hereby amended to read as follows:

Amending Section 3611, Revised Codes.

"Section 3611. Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between nieces and uncles, and between aunts and nephews, and between first cousins, and between persons, either one of whom is feeble minded, are incestuous and void from the beginning whether the relationship is legitimate or illegitimate."

Incestuous and void marriages.

Section 2. All Acts and parts of Acts in conflict herewith are herewith repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1919.

CHAPTER 7.

"An Act Defining How Mileage Shall be Computed."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Wherever mileage is allowed to any sheriff or other officer, juror, witness or other person under any law of Montana, the same shall be computed according

All mileage allowed by law to be computed how.

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to the shortest traveled route, when such shortest route is passable.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1919.

CHAPTER 8.

"An Act to Amend Section 9087 of the Code of Criminal Proceedure of the Revised Codes of Montana, 1907, to Provide Who Shall Take Testimony of Preliminary Examination by Justice of the Peace."

Amending Section 9087, Revised Codes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9087 of the Code of Criminal Proceedure of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Testimony before committing magistrate, how taken.

"Section 9087.—The testimony of each witness, in case of homicide, must be reduced to writing, as a deposition, by a stenographer appointed by the county attorney, under the direction of the magistrate; and in other cases the testimony of each witness shall be taken by a stenographer appointed by the county attorney upon demand of the prosecuting attorney, or the defendant, or his counsel. The deposition or testimony of the witness must be authenticated in the following form:

Stenographer to be appointed by county attorney.

Testimony to be authenticated, how.

Testimony must contain what.

1.—It must state name of the witness, his place of residence, and his business or profession.

2.—It must contain the question put to the witness, and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth.

3.—If the question put be objected to on either side and overruled, or the witness decline answering it, that fact, with the ground on which the question was overruled or the answer declined must be stated.

Witness must sign.

4.—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing as he gives it.

Certificate of magistrate.

5. It must be signed and certified by the magistrate when reduced to writing by him, or under his direction, and certified as being a correct statement of such testimony and proceedings in the case, and shall be prima

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facie a correct statement of such testimony and proceedings.

The deposition or testimony of the witness must be authenticated in the manner and form provided in Section 9087."

Deposition to be authenticated, how.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1919.

CHAPTER 9.

"An Act Authorizing District Judges in Certain Cases to Execute Deeds for Lots or Tracts of Land in Townsites Patented to Probate Courts, or Judge Thereof for the Benefit of Residents of Such Townsites, and Providing the Procedure Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Wherever an entry has heretofore been made at a land office by a probate court of any county in the Territory, now State of Montana, for a tract of land for a townsite, under the provisions of an Act of Congress entitled: "An Act for the Relief of the Inhabitants of Cities and Towns Upon Public Lands", approved March 2nd, 1867, or other and subsequent acts of Congress relating to entering lands for townsite purposes, and such entry shall have been allowed and patent therefor shall have been issued by the United States to such probate court, or a Judge thereof and it shall appear to the District Judge of the county in which such townsite is situated by a verified petition filed with the Clerk of said district Court, that no deed has been issued by the probate judge of such county or the district judge thereof as ex-officio probate judge, for any lot or tract of land situated in such townsite other than streets, alleys, parks or school sites, or that a deed for any such lot or tract has been issued, but has not been recorded, and has been lost or cannot be found, the district judge shall set a day for the hearing of said petition, and cause notice thereof to be published in a newspaper published in the county wherein such lands are situated for four successive weeks, and upon proof of such publication being made, and at such hearing shall examine such petition and claim

District judge may issue deeds for townsite lots when.

Petition.

Time for hearing petition to be set.

Notice of hearing.

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Facts which must appear in proof before deed shall issue.

thereunder, and hear such proof as the claimant or claimants may submit to establish his or their claims thereto; and if the district judge shall find that the claimant or claimants is in possession of such lot or tract of land or shall by reference to abstracts of title or other evidence produced in support thereof, find that the title to such lot or tract of land has been derived and deraigned from the person or persons who may have originally entered such lot or purchased the same at a sale thereof, as provided by the Laws of the Territory of Montana, or the State of Montana, and no conflicting claims shall have been filed, the said district judge shall, upon the payment of the fees originally provided for the issuance of a deed for such lot or lots, proceed forthwith to make and issue to such claimant or claimants a good and sufficient deed for such lot or tract of land.

Payment of fees.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval.

Approved February 13, 1919.

CHAPTER 10.

"An Act to Amend Sections 2851 and 2852 of the Revised Codes of 1907, Relating to Counties."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2850, Revised Codes.

Section 1. That Section 2851 of the Revised Codes of 1907 be amended so as to read as follows:

"Section 2851. Whenever the inhabitants of any county of this State desire to remove the county seat of a county from the place where it is fixed by law, or otherwise, to another place, they may present a petition to the Board of County Commissioners of their county praying such removal, such place to be named in the petition, and that an election be held to determine whether or not such removal must be made. The petition to remove the county seat of the county from the place where it is fixed by law to another place must be presented to the Board of County Commissioners at least sixty days prior to any action thereon being taken by the Board of County Commissioners, and action on said petition by the Board of County Commissioners must be had at a regular meeting of said Board of County Commissioners. Such

Removal of county seat.

Petition must be presented when.

Action on petition must be had at a regular meeting of the Board.

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petition must be filed with the County Clerk, and the County Clerk immediately upon the filing of said petition must cause to be printed in every newspaper published within said county a notice to the effect that a petition praying for the removal of said county seat has been filed with the County Clerk, and that said petition is open to the inspection of any and all persons interested therein, and that said petition will be presented to the Board of County Commissioners at its next regular session for action thereon. No other or additional petition than the one originally filed shall be considered by the Board of County Commissioners, except that at any time on or before the date fixed for the hearing, any person having signed the original petition for the removal of the county seat may file a statement in writing with the County Clerk that he desires to have his name withdrawn from such petition; provided that not more than one withdrawal shall be permitted by the same person."

Petition must be filed, when.

Publication of notice of petition.

No other petition shall be filed.

Names may be withdrawn, how.

Section 2. That Section 2852 of the Revised Codes of 1907 be amended so as to read as follows:

Amending Section 2852, Revised Codes.

"Section 2852. If the petition is signed by sixty-five per cent of the taxpayers of such county, the Board of County Commissioners must at the next general election submit the question of removal to the electors of the county; provided that the term "taxpayers" used in this section shall be deemed to mean "ad valorem taxpayers", and that for the purpose of testing the sufficiency of any petition which may be presented to the County Commissioners as provided in this section, the County Commissioners shall compare such petition with the poll books in the County Clerk's office constituting the returns of the last general election held in their county, for the purpose of ascertaining whether such petition bears the names of sixty-five per cent of the tax paying voters listed therein; and they shall make a similar comparison of the names signed to the petition with those appearing upon the listed assessment roll of the county for the purpose of ascertaining whether the petition bears the names of sixty-five per cent of the ad valorem taxpayers as listed in said assessment roll; and if such petition then shows that it has not been signed by sixty-five per cent of the voters of the county who are ad valorem taxpayers thereof, after deducting from the said original petition the names of all persons who may have signed such original petition and who may have filed or caused to be filed with the County Clerk of said county or the

Number of signatures of taxpayers required.

Question to be submitted at next general election.

"Taxpayers" defined.

Sufficiency of petition to be ascertained, how.

Poll books.

Assessment roll.

When petition to be deemed insufficient.

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Board of County Commissioners, on or before the date fixed for the hearing, their statement in writing of the withdrawal of their names from the original petition, it shall be deemed insufficient, and the question of the removal of the county seat shall not be submitted."

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1919.

CHAPTER 11.

"An Act to Provide for the Payment of Wages of Employees and to Provide Penalties for Violations Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Wages of laborer shall be paid every 15 days.

Section 1. That from and after June 1, 1919, every employer of labor (except agricultural labor), whether a person, copartnership or corporation, in the State of Montana, shall pay to his employee the wages earned each and every fifteen (15) days in lawful money of the United States, or checks on banks convertible into cash on demand full face values thereof, and all such wages shall be due and payable, and shall be paid by such persons, copartnership or corporation not later than the fifth and twentieth day of each calendar month for all such wages earned up to and within five (5) days of the date of such payment; provided, however, that if at such time of payment any employee shall be absent from the regular place of labor he shall be entitled to such payment at any time thereafter; provided, further, that this Act shall not affect any person, co-partnership or corporation, foreign or domestic, who shall have already established, and shall continue to maintain, a semi-monthly or weekly pay day.

Wages shall be paid upon or before what day.

When employee is absent from place of labor.

Employers who are not affected by this Act.

Penalty for not paying at times required by Act.

Section 2. Whenever any employer, whether a person, co-partnership or corporation, fails to pay any of his employees, as provided in Section 1 of this Act, then a penalty shall attach to such person, co-partnership or corporation, and become due such employees as follows: A sum equivalent to a penalty of five per cent of the wages due and not paid, as herein provided, as liquidated damages, and such penalty shall attach and suit may be brought in any court of competent jurisdiction to recover the same and the wages due.

Section 3. Whenever any employee is discharged from

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the employ of any such person, co-partnership or corporation, including persons, co-partnerships and corporations engaged in agricultural pursuits, on leaving said employment shall be paid in not less than three (3) days thereafter, then all the unpaid wages of such employees shall immediately become due and payable on demand, except in months having thirty-one (31) days, when the payment shall include the last sixteen (16) days or thirteen (13) or fourteen (14) days in February as the case may be, and if such person, co-partnership or corporation fails to pay any such discharged employee, within twentyfour hours after such discharge, all the wages due and payable to said discharged employee, then the same penalty of five per cent shall attach to said person, co-partnership or corporation, and become due such employee as provided in Section 2 of this Act.

When discharged employee shall be paid.

Shall be paid in not less than three days.

Exception.

Penalty to apply when discharged employee is not paid within 24 hours.

Section 4. Any employee may recover all such penalties as are provided for the violation of Section 2 of this Act, which have accrued to him at any time within six months succeeding such default or delay in the payment of such wages.

Period within which employee may recover penalties.

Section 5. Any contract or agreement made between any person, co-partnership or corporation and any parties in his, its or their employ, whose provision shall be in violation, evasion or circumvention of this Act, shall be unlawful and void; but such employee may sue to recover his wages earned, together with such five per cent penalty, or separately to recover the penalty, if the wages have been paid.

Contracts circumventing act are void.

Section 6. Whenever it shall become necessary for the employee to enter or maintain a suit at law for the recovery or collection of wages due, as provided for by this Act, then such judgment shall include a reasonable attorney's fee in favor of the successful party, to be taxed as part of the costs in the case.

Judgment for wages to include reasonable attorney's fee.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect on and after June 1, 1919.

Approved February 13, 1919.

CHAPTER 12.

"An Act Providing for the Levy of City and Town Taxes in Excess of the Number of Mills now Allowed by Law, Whenever Authorized by a Vote of the Qualified

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Electors of Such City or Town Who Are Tax-paying Freeholders Therein."

Be it enacted by the Legislative Assembly of the State of Montana:

Cities and towns may raise money by taxation in excess of levy now allowed by law, how.

Section 1. Whenever the council of any city or town shall deem it necessary to raise money by taxation, in excess of the levy now allowed by law, for any purpose for which said city or town is authorized to expend moneys raised by taxation in said city or town, it shall submit the question of such additional levy to the legal voters of such city or town who are tax-paying freeholders therein, either at the regular annual election held in said city or town, or at a special election called for that purpose by the council of such city or town. Provided, however, that such additional levy shall not exceed five (5) mills.

Limit to additional levy.

Notice of election submitting question, how given.

Section 2. Where the question of making such additional levy is so submitted, notice thereof shall be given by publication for at least thirty days prior to such election in every newspaper published in said city or town, and by posting a like notice for the same period of time in a public place in each ward of said city or town.

Question submitted shall provide what.

Money to be used for what purpose only.

Balance may be used, how.

Section 3. The submission of said question shall expressly provide for what purpose such additional levy is to be made, and, if authorized, the money raised for such additional levy shall be used for that specific purpose only; provided that if any balance remain on hand after the purpose for which said levy was made has been accomplished, such balance may, by vote of the council, be transferred to any other fund of said city or town.

When levies are to be for more than one purpose.

Section 4. If at any time it is desired to submit the question of additional levies for more than one purpose that such propositions shall be submitted on separate ballots, each of which ballots shall be in substantially the following form: Shall the city (or town) council be authorized to make a levy of (here insert the number) mills taxes in addition to the regular levy now authorized by law for the purpose of (here insert the purpose for which the additional levy is to be made.)

Form of ballot.

☐	Against Additional Levy.
☐	For Additional Levy.

How ballots shall be marked.

The voters shall mark the ballot or ballots in the same manner as other ballots are marked under the election

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laws of this state. The election shall be held, and the votes canvassed and returned as in other city or town elections. If the majority voting on the question are in favor of such additional levy or levies, the city or town council shall so certify and such additional levy or levies of taxes shall be made by the city or town council for that year.

How election to be held.

When the additional levy is authorized.

Section 5. The council may provide by ordinance for the registration of qualified electors who are tax-paying freeholders in such city or town, and no person shall be entitled to register or vote at such election who is not such tax-paying freeholder and qualified elector.

Council may provide for registration of electors.

Who may vote.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Section 7. This Act shall take effect from and after its passage and approval.

Approved February 13, 1919.

CHAPTER 13.

"A Bill to Amend Section 1 of Chapter 109 of Montana Session Laws of 1913, as Amended by Chapter 54 of the Montana Session Laws of 1915, Relating to Authorizing the Board of County Commissioners in Each County to Appropriate Money Out of the General Fund of the County Treasury and to Authorizing Said Board of County Commissioners to Make a Special Levy for the Purpose of Carrying on Work in Agriculture and Home Economics in Cooperation with the Montana State College of Agriculture and Mechanic Arts and the United States Department of Agriculture."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 109 of the laws of 1913, as amended by Chapter 54 of the Session Laws of 1915, be, and the same is hereby amended so as to read as follows:

Law amended.

"Section 1. The County Commissioners of any county in the State of Montana may appropriate money from the general funds of the county treasury, or from funds provided by special levy, which the said County Commissioners are hereby authorized to make at the same time as other levies for county purposes, for the purpose of carrying on Extension work in agriculture and home economics within the said county in cooperation with the

County Commissioners may appropriate fund for what purposes.

Extension work in agriculture.

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Home economics.

Montana State College of Agriculture and Mechanic Arts and the United States Department of Agriculture. The amount of such appropriation in any county, its method of expenditure, the responsibility for the direction of the work, and the procedure of appointing agents, the compensation and conditions of service of such agents, shall be covered in memoranda of agreements between the County Commissioners, the County Farm Bureau and the Montana State College of Agriculture and Mechanic Arts."

Agreements to be entered into.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1919.

CHAPTER 14.

A Bill to Authorize the Incorporation of County Farm Bureaus, Providing for the Filing of the Certificates of Incorporation Thereof Without the Payment of Any Fees Other Than the Legal Certificate Fees.

Be it enacted by the Legislature of the State of Montana:

County Farm Bureau may be organized, when and for what purposes.

Section 1. **Corporation May Be Organized as County Farm Bureaus.** A corporation to be known as the County Farm Bureau may be organized in any county to develop and to carry out a county program of work, in co-operation with the Board of County Commissioners of said county, the Montana State College of Agriculture and Mechanic Acts of the University of Montana, and the United States Department of Agriculture, for the advancement of agriculture and home economics, the promotion of better understanding between the citizenship of town and country, and the development of a wholesome community life.

How bureau shall be incorporated.

Section 2. Such corporation shall be incorporated in the manner and under the provisions of law applicable to the corporations specified and authorized to be organized under the provisions of Chapter 2, Division 1, Part 4, Sections 4224-4229, of the Revised Codes of 1907.

Fees which may be paid.

Section 3. **Certificate Fee Only to Be Paid.** No other fee than the usual certificate fee shall be required to be paid to any county or state officer for filing of such articles of incorporation.

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Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1919.

CHAPTER 15.

"An Act to Amend Section 2894 of the Revised Codes of the State of Montana 1907, Relating to the Powers of Boards of County Commissioners."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2894 of the Revised Codes of the State of Montana, 1907, be and the same is hereby amended to read as follows: Amending Section 2894, Revised Codes.

"2894 (4230) General and permanent powers—The Board of County Commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: Powers of County Commissioners.

1. To supervise the official conduct of all County officers and officers of all districts and other subdivisions of the county, charged with assessing, collecting, safe keeping, management or disbursement of the public revenues; see that they faithfully perform their duties; direct prosecutions for delinquencies; and when necessary, require them to renew their official bonds, to make reports, and to present their books and accounts for inspection. To supervise what officers. Direct prosecutions. Require new bonds.

2. To divide the counties into township, school, road and other districts, required by law; change the same and create others as convenience requires. Districting county.

3. To establish, abolish and change election precincts and to appoint judges of election, canvass all election returns, declare the result, and issue certificates thereof. Election precincts. Appoint election judges. Canvass vote

4. To lay out, maintain, control, and manage public highways, ferries and bridges, within the county and levy such tax therefor as required by law; provided however, that they may in the exercise of a sound discretion jointly with other counties, lay out, maintain, control, manage and improve public highways, ferries and bridges in adjacent counties, wholly or in such part as may be agreed upon between the Boards of County Commissioners of the Counties concerned, and levy taxes therefor as provided by law. Highways, ferries and bridges. In conjunction with other counties.

5. To provide for the care and maintenance of the indigent sick or otherwise dependent poor of the county; Care of indigent sick and dependent poor.

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Hospitals. erect and maintain hospitals therefor, or otherwise provide for the same; and to levy the necessary tax therefor, per capita, not exceeding two dollars, and a tax on

Poor tax. property not exceeding one-fifth of one per cent, or either of such levies when both are not required.

Poor farms. 6. To provide a farm for the support of the poor of the county, and make regulations for working the same.

Provide quarters for county officers. 7. When there are no necessary county buildings to provide suitable rooms for county purposes.

Acquire and manage county property. 8. To purchase, receive by donations, or lease any real or personal property necessary for the use of the county, preserve, take care of, manage and control the same; but no purchase of real property must be made

Appraisement before purchase. unless the value of the same has been previously estimated by three disinterested citizens of the county, appointed by the district judge for that purpose, and no more than the appraised value must be paid therefor.

Erection of county buildings. 9. To cause to be erected and furnished, a court house, jail, hospital and such other public buildings as may be necessary.

10. To sell at public auction at the court house door after thirty days' previous notice, given by publication in a newspaper of the county, or posted in five public

Sale of county property. places of the county, and convey to the highest bidder for cash any property, real or personal, belonging to the county, paying the proceeds into the county treasury for the use of the county.

11. At the regualr meetings of the board to examine

Accounts of county officers. and allow the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the county or appropriated by law or otherwise for its use and benefit.

12. At the regular meetings of the board to examine,

Claims against county. settle and allow all accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the County Treasurer therefor, and provide for the issuing of the same.

13. To levy such tax annually on the taxable property of the county for county purposes as may be necessary

Levy of taxes and rate. to defray the current expenses therefor, including salaries otherwise unprovided for, not exceeding sixteen mills on each dollar of the assessed valuation for any one year; and to levy such taxes as are required to be levied by special or local statutes.

Assessments. 14. To equalize the assessments.

Control of lawsuits. 15. To direct and control the prosecution and defense

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of all suits to which the county is a party.

16. To insure the county buildings in the name of and for the benefit of the county. Insurance.

17. To grant licenses for keeping ferries and such other licenses as are provided by law. Licenses.

18. To fix the compensation of all county officers not otherwise in this code or by general or special law fixed, and provide for the payment of the same. Compensation of county officers.

19. To fill by appointment all vacancies that may occur in county, township or precinct offices, except in the office of County Commissioner. Vacancies in office.

20. To contract for the county printing and provide books and stationery for county ofifcers. County printing and stationery.

21. At the adjournment of each session of the board to cause to be published in a newspaper, or otherwise, a fair statement of all its proceedings, and annually a statement of the financial condition of the county. Publication of proceedings and finances.

(Subdivision 21. Act approved March 6, 1895.)

22. To represent the county and have the care of county property, and the management of the business and concerns of the county in all cases where no other provision is made by law. Control of county property and business.

23. To make and enforce such rules for its government, the preservation of order, and the transaction of business as may be necessary. Rules of procedure.

24. To adopt a seal for the board, a description and impression whereof must be filed by the clerk in the offices of the County Clerk and Secretary of State. Official seal.

25. To perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government. Additional powers.

26. To borrow money upon the credit of the county to meet current expenses, if the county revenue is insufficient. Borrowing money.

27. To issue on the credit of the county Coupon Bonds to an amount sufficient to secure the necessary funds for the procurement of necessary building sites, for the construction of necessary public buildings and for the construction of bridges and highways, in accordance with the provisions of Articles III and IV, Chapter II, Title II, Part IV of the Political Code. Bonds for public works.

(Subdivision 27 is part of Act approved February 27, 1905.)

(9th Session Chapter 40.)

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect upon its passage and approval.

Approved February 13, 1919.

CHAPTER 16.

"An Act to Prevent the Destruction, in Restraint of Trade, of Any Fish, Fowl, Animal, Vegetable, or Other Stuff, Products or Articles, Which Are Customary Food or Which Are Proper Food for Human Beings and Are in Fit Sanitary Condition to Be Used as Such, and to Provide Penalties for Violation of the Provisions of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Destroying or withholding food stuffs.

Section 1. It shall be unlawful for any person, firm or corporation to destroy, or to withhold from sale for a period of time which makes it necessary to destroy, in restraint of trade, any fish, fowl, animal, vegetable, or other stuff, products or articles, which are customary food or which are proper food for human beings and are in fit sanitary condition to be used as such.

Penalty.

Section 2. Every person or firm or the manager or employee of every corporation violating any of the provisions of this Act shall, upon conviction thereof, be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a period of not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1919.

CHAPTER 17.

"An Act to Amend Paragraph or Subdivision 3 of Section 2104 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, Relating to the Board of Trustees of Free County High Schools."

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Paragraph or Subdivision 3 of Section 2104 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be, and the same is hereby amended so as to read as follows:

Law amended.

"3. Appointment. The County Commissioners shall appoint at their regular meeting in March, 1913, three trustees, two for a three year term, and one for a two year term; in March, 1914, they shall appoint two trustees for a three year term and one trustee for a one year term, and annually thereafter at their quarterly meeting in March they shall appoint two trustees for a three year term. Of the Trustees appointed four and no more shall be residents of the village, town or city in which the high school is located, or within a radius of ten miles of said high school."

Trustees of County High School, appointment.

Terms of officers.

Residence of trustees.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1919.

CHAPTER 18.

"An Act to Amend Section 2682 of the Revised Statutes of Montana, 1907, as Amended by Chapter 123, Laws of the Eleventh Session, 1909, of the State of Montana Relating to the Sale of Real Estate for Delinquent Taxes."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2682 of the Revised Statutes of Montana 1907, as amended by Chapter 123 Laws of the Eleventh Session, 1909 of the State of Montana be amended to read as follows:

Law amended.

"Section 2682. Whenever the County has become the purchaser of any real estate sold for delinquent taxes, and the same has not been redeemed by the person entitled so to do, and the time for such redemption has expired, the Board of County Commissioners may, at any time, by an order made and duly entered upon the minutes of its proceedings, sell the same at public auction, provided, however, that no such sale shall be made or confirmed unless the price offered shall be sufficient to discharge all accrued taxes to date of sale, together with interest and costs, or that the price so offered shall be

Sale of property purchased for delinquent taxes by county.

Order of sale.

Shall not be sold for less than what amount.

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Deed to be executed by whom.

the reasonable market value thereof, in the judgment of said Board of County Commissioners, then the said Board is authorized to accept said price so offered, and the Chairman of said Board is authorized to execute a title therefor vesting in the purchaser all the title of the state and county to the real estate so sold.

Disposition of money received.

The money arising from such sale must be paid into the County Treasurer, and the Treasurer must settle for money so received as other state and county money.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1919.

CHAPTER 19.

"An Act Authorizing and Empowering the Montana Council of Defense to Extend the Time for Payment of Loans Made by Such Council of Defense Under the Provisions of Chapter 21, Acts of the Extraordinary Session of the Fifteenth Legislative Assembly; Ratifying and Validating All Extensions of Time for Payment of Such Loans Heretofore Made by the Montana Council of Defense; and Providing That All Liens and Mortgages Given to the State of Montana to Secure Payment of Such Loans Shall Be Subject to Liens and Mortgages Which May Be Given to the United States, or Any Department Thereof, as Security for Loans Made by the United States for the Purpose of Purchasing Seed Grain for the Planting of Crops During the Year 1919."

Be it enacted by the Legislative Assembly of the State of Montana:

Montana Council of Defense empowered to extend time of payment of loans.

Section 1. That the Montana Council of Defense is authorized and empowered, upon written application of any person who has procured a loan from the State of Montana under the provisions of Chapter 21, Acts of the Extraordinary Session of the Fifteenth Legislative Assembly of the State of Montana, to grant and make an extension of the time of payment of the indebtedness of such person to the State of Montana; provided, however, that no such extension shall be granted beyond the first day of January, 1920. The making and granting of such

Extension shall not extend beyond what date.

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extensions shall rest in the discretion of the Montana Council of Defense.

State Treasurer shall make an affidavit of extension, when.

Section 2. That upon the making and granting of any extension of the time of payment of any such indebtedness, if payment thereof is secured by a mortgage or lien of any kind, the State Treasurer shall make an affidavit of such extension, which shall be in substantially the same form as is required of an affidavit for the renewal or extension of a chattel mortgage, and such affidavit shall be filed in the office of the county clerk and recorder in which the mortgage or lien is of record. If the mortgage or lien be recorded the filing of such affidavit shall be noted on the margin of the record of such mortgage or lien, and if the mortgage or lien be filed, but not recorded, such affidavit shall be attached to such mortgage or lien. Upon the filing of such affidavit the time for payment of such indebtedness and the mortgage or lien securing payment thereof shall be extended for the time specified in such affidavit.

Affidavit to be filed, where.

Filing of affidavit to be noted, when.

To be attached to mortgage, when.

Extensions heretofore given ratified.

Section 3. That all extensions of the time of payment of such loans heretofore made and granted by the Montana Council of Defense are hereby ratified and validated, and upon the filing of affidavits of extension similar to those provided for in this Act, such extensions shall be of the same force and effect as though the same had been made under the provisions of this Act.

When mortgages given to Federal government to secure payment for seed grain shall be deemed a first lien.

Section 4. If any person to whom any loan has been made by the State of Montana under the provisions of Chapter 21, Acts of the Extraordinary Session of the Fifteenth Legislative Assembly which loan is secured by a mortgage or lien of any kind, shall make application to and receive from the United States, or any department thereof, a loan for the purpose of procuring seed grain for planting crops during the year 1919, and shall give to the United States, or such department thereof, a mortgage or lien to secure the payment of such loan upon the same property as is covered by the mortgage or lien to the State of Montana, the mortgage or lien so given to the United States, or such department thereof, shall be deemed and considered as a first lien on said property and the mortgage or lien of the State of Montana shall be deemed and considered as subsequent and subject thereto.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1919.

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CHAPTER 20.

"An Act to Amend Section Five of Chapter Two of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, entitled, "An Act Providing for the Disposition of Moneys Received for the Sale of Strays and Prescribing the Duties of the State Treasurer and Board of Stock Commissioners with Reference Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 5, of Chapter 2 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Publication of description of estrays.

Section 5. A full description of estrays for which the proceeds derived from the sale remains in the hands of the treasurer unclaimed shall be published for the period of four (4) consecutive weekly or semi-monthly issues next after May first of each year in not more than four (4) weekly or semi-monthly publications in the State of Montana, said publications to be designated by the State Live Stock Commission and when such publication shall have been made and the proceeds from the sale of such animals shall have remained in the hands of the State Treasurer for a period of two (2) years, it shall be, by the treasurer, upon request of the State Live Stock Commission, at once placed to the credit of the State Live Stock Commission Fund.

Manner and time of publication.

Disposition of proceeds of sale.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1919.

CHAPTER 21.

"An Act to Create the County of Glacier, Designate Its Boundaries, Provide for Its Organization and Government, and to Change the Boundaries of Teton County to Conform Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Glacier County created.

Section 1. That all portions of the State of Montana embraced within the following boundaries shall be known

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as and shall be Glacier County, in the State of Montana, to-wit:—

Beginning at the point where the International Boundary between the United States and Canada intersects with the range line between Ranges four and five West Montana Meridian; thence west, following said International Boundary to its intersection with the summit of the main range of the Rocky Mountains; thence meandering in a southeasterly direction and following the summit of the main range of the Rocky Mountains to a point on the west boundary of Teton County which would be intersected by the township line common to Township twenty-nine (29) and thirty (30) North, when projected to the said west boundary of the said Teton County, thence in an easterly direction on the township line common to Townships twenty-nine (29) and thirty (30) to the southeast corner of Section thirty-six (36), Township thirty (30) North, Range eight (8) West, Montana Meridian; thence in a northerly direction on the township line common between Ranges seven (7) and eight (8) West, Montana Meridian to the Northeast corner of Section one (1) Township thirty-one (31) North, Range eight (8) West, Montana Meridian; thence in an easterly direction on the township line common to Townships thirty-one (31) and thirty-two (32) to a point where said township line intersects with the Marias River; thence, following on down the center of the channel of the Marias River to its intersection with range line between Ranges four and five West Montana Meridian; thence North following the range line between Ranges four and five West to the point of beginning.

Boundaries.

Section 2. That for judicial purposes the said County of Glacier shall be attached to and become a part of the Eighth Judicial District of the State of Montana.

Attached to Eighth Judicial District.

Section 3. That the temporary county seat of said County of Glacier shall be selected and designated in the manner provided by the provisions of Chapter 135 of the Acts of the Twelfth Legislative Assembly of the State of Montana, approved March 9th, 1911. But, for the purpose of definitely fixing and creating the county seat of the County hereby created, the Board of County Commissioners of Glacier County shall cause to be inserted in the official ballots when printed for the general election to be held the first Tuesday after the first Monday in November, A. D. 1920, at the foot of the names of the candidates or nominees thereon: "For the County Seat of

Selection of temporary county seat.

Election of permanent county seat.

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Ballots to contain, what.

Glacier County ....." and the electors, when voting at the said general election at the time hereinbefore mentioned, shall declare their vote upon said proposition by inserting in the blank space upon their ballots herein provided for, the name of some incorporated town within the said County of Glacier, and when the name of a town or city shall be so inserted in this space by an elector, and the ballots have been cast, as provided by law, the name shall be deemed a vote for the designated town or city, as the place of the permanent county seat of Glacier

When permanent county seat to be declared selected.

County, and upon a canvass of the said ballots, shall be declared by the canvassing board the county seat of Glacier County; which result shall be entered in the office of the County Clerk and Recorder of said Glacier County, and from the date of said declaration of result, the town or city selected shall be and remain, until lawfully changed, the county seat of Glacier County. All laws of

Laws applicable to election.

a general nature, applicable to the several counties of the State of Montana, and officers thereof, shall be and are hereby made applicable to the said County of Glacier, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this

Errors in spelling names to be disregarded.

Act. Provided, that no discrepancy or error in the spelling of any name of any town or city to be voted on for the county seat of said County of Glacier, shall be considered where the judges of said election are satisfied from said spelling of the intention of the elector so voting for such county seat.

Section 4. It shall be the duty of the persons hereinafter appointed to the office of County Commissioners of said County of Glacier by this Act, to meet at the town

Commissioners to meet at Cut Bank.

of Cut Bank in said County of Glacier within fifteen days after the passage and approval of this Act, and then and there organize as a Board of County Commissioners, by electing one of their number as Chairman.

Section 5. That all the indebtedness of Teton County,

Apportionment of indebtedness of Teton county.

as the same shall exist on the first day of January, 1919, shall be apportioned between the County of Teton and the County of Glacier by first deducting from said indebtedness the amount of all moneys on hand, and the amount of all moneys belonging to the said Teton County and also

Commissioners to ascertain and apportion indebtedness.

deducting the value of all real and personal property within or belonging to said Teton County on the first day of January, 1919, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Teton

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County, and the taxable property in Glacier County, and heretofore within the boundaries of Teton County, said amount of taxable property to be ascertained and said apportionment and valuation of the county property to be made by a commission consisting of the Boards of County Commissioners of Teton County and Glacier County and the Judge of the Eighth Judicial District of the State of Montana, which said Commission shall meet at the Court House in the City of Choteau, on the first Monday in April, 1919, and shall take as a standard for said apportionment of indebtedness the assessment of the year 1918, as determined by the Board of Equalization of said Teton County.

To meeet when and where.

Section 6. That the treasurer of the said County of Teton shall at the time of the adjustment as provided in Section 5 of this Act, make out and transmit to the County Commissioners of Glacier County, a list of all delinquent taxes and amounts of uncollected taxes within the limits of Glacier County as above defined, provided, that no delinquent taxes due the County of Teton shall be considered in the adjustment of the debt as hereinbefore provided; but it shall be the duty of the treasurer of Teton County to collect such delinquent taxes as shall be due said county and to turn over within thirty days after making such collection to the treasurer of Glacier County a pro rata share of such taxes as he may be able to collect.

List of delinquent taxes.

Duty of Treasurer of Teton county to collect delinquent taxes.

It is further provided that should there be a surplus of funds in the hands of the treasurer of Teton County after the adjustment hereinbefore provided, said surplus shall be divided between the counties of Teton and Glacier, in the same manner as herein provided for dividing the indebtedness.

Surplus funds.

Section 7. That upon the adjustment of said indebtedness, it shall be the duties of the County Commissioners of Glacier County, to cause to be made out, issued and delivered to the County Commissioners of Teton County, warrants for any amounts found due said county, which warrants upon presentation shall be endorsed by the treasurer of Glacier County, "Not paid for want of funds," and shall therefore draw interest as other county warrants.

Duty of county commissioners in settlement with Teton county.

Section 8. The County Commissioners of the County of Glacier for the purpose of paying any of the indebtedness which may be incurred, by reason of assuming any of the indebtedness of the County of Teton, are hereby

Issue and sale of bonds to pay indebtedness.

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authorized and empowered to cause to be issued, and to sell at not less than par the bonds of the said County of Glacier in an amount to said indebtedness so incurred, in the manner provided by law for the issuing and sale of County Bonds.

School moneys.

Section 9. It is hereby made the duty of the County Treasurer of the County of Teton to transfer and pay over on or before the first day of August, 1919, all moneys in said County of Teton to the credit of school districts embraced within the limits of said County of Glacier as may have been hereby taken from the said County of Teton, which said moneys so transferred shall be held by the said County of Glacier to the credit and for the use of the same school districts as they formerly existed.

Contract for transcribing records.

Section 10. The Board of County Commissioners of Glacier County are hereby empowered and it shall be their duty to provided suitable books and to contract with the lowest responsible bidder for transcribing and indexing the records of the old county or counties all such parts thereof as relate to or affect property, or the title thereof, situated in the new county, and said records when so transcribed and certified, as herein provided, shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; providing that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens and original affidavits of registration which may affect or relate to property or persons situated within the new county shall be by the County Clerk of the old county delivered to the County Clerk of the new county and be preserved by said County Clerk of the new county as permanent files of such new county.

Delivery of records.

Compensation of clerk for comparing and certifying records.

The County Clerk of the County of Teton shall receive for the services in comparing and certifying to the correctness of the copy of said records, Five Dollars ($5.00) per day while engaged in said labor, which amount shall be paid by the County Treasurer on the completion of said labor.

Transfer of actions and proceedings.

Section 11. All actions pending in the District Court of the old county for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate lying in the County of Glacier, shall on motion of any party thereto, be transferred to the District Court to which the County

of Glacier is attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the said County of Glacier. All other actions or special proceedings pending in the District Court of said old county, on motion of any party interested therein, shall be transferred to the District Court of the said County of Glacier, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the said County of Glacier.

Section 12. The following named persons are hereby appointed to fill the offices as set opposite their names:—

Officers appointed by Act.

County Commissioner,.....Martin Jacobson
County Commissioner,.....D. A. McRae
County Commissioner,.....J. F. Linde
Treasurer,.....Bruce R. McNamer
Sheriff, ...Perry A. Davis
Assessor, ...Delbert Bakeman
Clerk of District Court,.....A. O. Torrison
Clerk and Recorder,.....Guy S. Jameson
County Attorney, ...Wiley Shannon
Superintendent of Schools,.....Grace M. Thompson
County Surveyor,.....J. W. Shields
Public Administrator,.....W. P. Yunck
Coroner, ...R. G. Nelson

Powers and duties of officers.

All of said officers shall have power and perform the same duties and be entitled to the same privileges as by law conferred on like officers in other counties and shall hold their respective offices until after the next general election, or until their successors are duly elected and qualified, the said officers, however, before entering upon their duties, shall severally give bonds and take the oath as required of the county officers of other counties in other counties of this State, and said bonds shall be filed as by law required and approved by the State Auditor.

Salaries of county officers.

Section 13. That the officers appointed and mentioned herein in Section 12, shall each be allowed to receive an annual compensation as such officers, in the amount provided by law for such officers of other counties of this State, of the same classification as the County of Glacier, said classification being hereinafter provided for.

County to be of seventh class.

Section 14. The said County of Glacier shall be designated as a county of the Seventh Class, and the officers appointed, as mentioned herein in Section 12, shall each be allowed to receive as annual compensation as such

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officers, such salary, compensation and emoluments as are provided by law for officers of counties of the Seventh Class.

Subdivision of county and appointment of officers.

Section 15. That at their first meeting, the said Commissioners of Glacier County are empowered to subdivide said county into municipal townships and establish road districts, and they are hereby authorized to appoint two justices of the peace, and two constables for each municipal township, and road supervisor for each road district, when required, as provided by the Revised Codes of 1907, of the State of Montana, who shall hold their offices until their successors are elected or appointed and qualified.

Old officers who hold over.

All township and precinct officers, road supervisors, officers of school districts and other officers, within and for the County of Glacier, whose election or appointment is not provided for, shall and may continue to hold office and exercise the duties pertaining thereto until the expiration of the term for which said officers were elected or appointed.

Court House, when to be constructed.

Section 16. No court house shall be constructed by the said County of Glacier until the permanent county seat is, as hereinbefore provided, determined.

Boundaries of Teton county.

Section 17. The county boundaries of the County of Teton are hereby altered so as to conform to the boundaries of Glacier County as established by this Act.

Section 18. This Act shall take effect from and after the first day of April, 1919.

This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in session, it has become a law without the Governor's signature, this seventeenth day of February, A. D. 1919.

C. T. STEWART,
Secretary of State.

CHAPTER 22.

"An Act to Create the County of Pondera, Designate its Boundaries and Provide for its Organization and Government, and to Change the Boundaries of Teton and Choteau Counties to Conform Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Pondera County created.

Section 1. That all that portion of the State of Montana embraced within the following boundaries, shall be known as, and shall be Pondera County, in the State of Montana, to-wit: Beginning at a point on the west

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boundary of Teton County which would be intersected by the Township line common to Township 29 and 30 North when projected to the said West Boundary of the said Teton County; thence in an easterly direction on the township line common to townships twenty-nine (29) and thirty (30) to the southeast corner of Section thirty-six (36), township thirty (30) North, range eight (8) west, Montana Principal Meridian; thence in a northerly direction on the township line common between ranges seven and eight West of the Montana Principal Meridian to the northeast corner of Section one (1), Township thirty-one (31) North, range eight (8) west of the Montana principal Meridian; thence in an easterly direction on the township line common to townships 31 and 32 to a point where said township line intersects with the Marias river; thence following on down the center of the channel of the Marias river to its intersection with the line between Toole and Teton Counties; thence in a southeasterly direction along the boundary line between Toole County and Teton County to the Northeast corner of Section twenty-four (24), Township thirty (30) North, of range one (1) West, Montana Principal Meridian; thence south along the boundary line between Toole County and Teton County to the Northeast corner of Township twenty-eight (28) North, of Range one (1) West, Montana Principal Meridian; thence due east along the boundary lines between Townships twenty-eight (28) North and Twenty-nine (29) North, to the Northeast corner of Township Twenty-eight (28) North, Range two (2) East, Montana Principal Meridian; thence south along the boundary line between Range two (2) and three (3) East, Montana Principal Meridian, to the Northeast corner of Section twenty-five (25), Township twenty-six (26) North, of Range two (2) East, Montana Principal Meridian; thence due west along the section line to the southwest corner of Section twenty-two (22) Township twenty-six (26) North, Range three (3) West, Montana Principal Meridian; thence due north along the section line to the southwest corner of Section thirty-four (34) Township twenty-seven (27) North, Range three (3) west, Montana Principal Meridian; thence due West along the township line three miles, to the southwest corner of Section thirty-one (31), Township twenty-seven (27) North Range three (3) West, Montana Principal Meridian; thence due north along the township line three (3) miles to the southwest corner of Section eighteen

Boundaries.

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(18), Township twenty-seven (27) North, Range three (3) West, Montana Principal Meridian; thence due west along the section line to the southwest corner of Section eighteen (18) Township twenty-seven (27) North, Range four (4) West, Montana Principal Meridian, a distance of six (6) miles; thence, due north along the township line between range four (4) and five (5) West, Montana Principal Meridian, a distance of three miles to the southwest corner of Section thirty-one (31), Township twenty-eight (28) North, Range four (4) West, Montana Principal Meridian; thence due west along the boundary lines between Township twenty-seven (27) North and twenty-eight (28) North, to a point where such boundary line between said townships if extended would intersect the boundary line between Flathead County and Teton County; thence in a northwesterly direction along the boundary line between Flathead County and Teton County to the point of beginning.

Attached to Eighth Judicial District.

Section 2. That for judicial purposes the said County of Pondera shall be attached to and become a part of the Eighth Judicial District of the State of Montana.

Selection of temporary county seat.

Section 3. That the temporary county seat of said County of Pondera shall be selected and designated in the manner provided by the provisions of Chapter 135 of the Acts of the Twelfth Legislative Assembly of the State of Montana, approved March 9th, 1911.

Laws applicable to new county.

Section 4. All laws of a general nature applicable to the several counties of the State of Montana, and all offices thereof shall be made applicable to the said County of Pondera, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this Act.

Organization of Board of County Commissioners.

Section 5. It shall be the duty of the persons hereinafter appointed to the office of County Commissioners of said County of Pondera by this Act, to meet at the City of Conrad in said County of Pondera within fifteen (15) days after the passage and approval of this act, and then and there organize as a Board of County Commissioners, by electing one of their number as Chairman.

Apportionment of indebtedness of Teton county.

Section 6. That all the indebtedness of Teton County, as the same shall exist on the first day of January, 1919, shall be apportioned between the County of Teton and the County of Pondera by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to the said Teton County and also deducting the value of all real and personal

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property within or belonging to said Teton County on the first day of January, 1919, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Teton County and the taxable property in Pondera County, and heretofore within the boundaries of Teton County; said amount of taxable property to be ascertained, and said apportionment and valuation of county property to be made by a commission consisting of the Boards of County Commissioners of Teton and Pondera County, and the Judge of the Eighth Judicial District of the State of Montana, which said commission shall meet at the Court House in the City of Chouteau, State of Montana on the second Monday in April, 1919, and shall take as a standard for said apportionment the assessment for the year 1918 as determined by the board of equalization of said Teton County.

Commission to ascertain value and apportion indebtedness.

To meet when and where.

Section 7. That all the indebtedness of Chouteau County, as the same shall exist on the first day of January, 1919, shall be apportioned between the County of Chouteau, and the County of Pondera by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to the said Chouteau County and also deducting the value of all real and personal property within or belonging to said Chouteau County on the first day of January, 1919, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Chouteau County and the taxable property in Pondera County and heretofore within the boundaries of Chouteau County; said amount of taxable property to be ascertained, and said apportionment and valuation of county property to be made by a Commission consisting of the Boards of County Commissioners of Chouteau and Pondera County, and the Judge of the Twelfth Judicial District of the State of Montana, which said Commission shall meet at the Court House in the town of Fort Benton on the first Monday in April, 1919, and shall take as a standard for said apportionment the assessment for the year 1918, as determined by the board of equalization of said Chouteau County.

Manner of apportionment of indebtedness.

Commission to make apportionment.

Time and place of meeting.

Section 8. That the treasurers of the said counties of Chouteau and Teton shall at the time of the adjustment, as provided in Sections 6 and 7 of this Act, make out and transmit to the county commissioners of Pondera County, a list of all delinquent taxes and amount of

List of delinquent taxes.

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uncollected taxes within the limits of Pondera County as above defined, provided, that no delinquent taxes due the Counties of Teton or Chouteau shall be considered in the adjustment of the debt as hereinbefore provided; but it shall be the duties of the treasurers of Teton and Chouteau Counties to collect such delinquent taxes as shall be due said County and to turn over within thirty days after making such collection to the treasurer of Pondera County of pro rata share of such taxes as he may be able to collect.

Duty of county treasurers to collect delinquent taxes.

It is further provided that should there be a surplus of funds in the hands of the treasurers of Teton and Chouteau Counties after the adjustment hereinbefore provided, said surplus shall be divided between the respective counties of Teton and Pondera, and Chouteau and Pondera, in the same manner as herein provided for dividing the indebtedness.

Surplus funds.

Section 9. That upon the adjustment of said indebtedness, it shall be the duties of the County Commissioners of Pondera County to cause to be made out, issued and delivered to the County Commissioners of Teton and Chouteau Counties, warrants for any amounts found due said county, which warrants upon presentation shall be endorsed by the treasurer of Pondera County "Not paid for want of funds", and shall therefore draw interest as other county warrants.

Duty of county commissioners in settlement with Teton and Chouteau counties.

Section 10. The County Commissioners of the County of Pondera for the purpose of paying any of the indebtness which may be incurred, by reason of assuming any of the indebtedness of the Counties of Teton and Chouteau, are hereby authorized and empowered to cause to be issued, and to sell at not less than par the bonds of the said County of Pondera in an amount to said indebtedness so incurred, in the manner provided by law for the issuing and sale of county bonds.

Bonds which may be issued to pay indebtedness.

Section 11. It is hereby made the duty of the County Treasurer of the Counties of Teton and Chouteau to transfer and pay over on or before the first day of August, 1919, all moneys in said Counties of Teton and Chouteau to the credit of school districts embraced within the limits of said County of Pondera as may have been hereby taken from the Counties of Teton and Chouteau which said moneys so transferred shall be held by the said County of Pondera to the credit and for the use of the same school districts as they formerly existed.

Transfer of school moneys.

Section 12. The Board of County Commissioners of

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Pondera County are hereby empowered and it shall be their duty to provide suitable books and to contract with the lowest responsible bidder for transcribing and indexing the records of the old county or counties, all such parts thereof as relate to or affect property or the title thereof, situated in the new county, and said records, when so transcribed and certified, as herein provided, shall have the same force and effect as such original record; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; providing that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens and original affidavits of registration which may affect or relate to property or persons situate within the new county shall be by the County Clerk of the old County delivered to the County Clerk of the new county and be preserved by said County Clerk of the new county as permanent files of such new county.

Contract for transcribing records.

Delivery of records.

The County Clerks of the counties of Teton and Chouteau shall receive for the services in comparing and certifying to the correctness of the copy of said records, Five Dollars ($5.00) per day while engaged in said labor, which amounts shall be paid by the County of Pondera on the completion of said labor.

Compensation of clerk for comparing and certifying records.

Section 13. All actions pending in the District Court of the old county or counties for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate lying in the County of Pondera, shall on motion of any party thereto, be transferred to the District Court to which the county of Pondera is attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the County of Pondera. All other actions or special proceedings pending in the District Court of said old county or counties, on motion of any party interested therein, shall be transferred to the District Court of the said County of Pondera, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the said County of Pondera.

Transfer of actions and proceedings.

Section 14. The following named persons are hereby appointed to fill the offices as set opposite their names:

County Commissioner.....E. E. Leech
County Commissioner.....E. S. Bogart

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Officers appointed by Act.

County Commissioner.....W. H. Scott
Treasurer.....M. C. Wickware
Sheriff.....J. L. Billings
Assessor.....E. A. Savory
Clerk of the District Court.....C. B. Schwarder
County Clerk and Recorder.....W. E. Olson
County Attorney.....W. L. Bullock
Superintendent of Schools.....Miss L. Goff
County Surveyor.....J. H. Barnett
Public Administrator.....Joe Masselen
County Coroner.....James Hunter

Powers and duties of officers.

All of said officers shall have power and perform the same duties and be entitled to the same privileges as by law conferred on like officers in other counties and shall hold their respective offices until after the next general election, or until their successors are duly elected and qualified, the said officers, however, before entering upon their duties shall severally give bonds and take the oath as required of the county officers of other counties in other counties of this State, and said bonds shall be filed as by law required and approved by the State Auditor.

Bond and oath.

County to be of sixth class.

Section 15. The said County of Pondera shall be designated as a county of the Sixth class, and the officers appointed, as mentioned herein in Section 14, shall each be allowed to receive as annual compensation as such officers, such salary, compensation and emoluments as are provided by law for officers of counties of the Sixth class.

Subdivision of county into municipal townships and road districts.

Section 16. That at their first meeting, the said commissioners of Pondera County are empowered to subdivide said county into municipal townships and establish road districts and they are hereby authorized to appoint two justices of the peace and two constables for each municipal township, and road supervisor for each road district, when required, as provided by the Revised Codes of 1907, of the State of Montana, who shall hold their offices until their successors are elected or appointed and qualified.

Justices of the peace and road supervisors.

Old officers who hold over.

All township and precinct officers, road supervisors, officers of school districts and other officers, within and for the County of Pondera, whose election or appointment is not provided for, shall and may continue to hold office and exercise the duties pertaining thereto until the expiration of the term for which said officers were elected or appointed.

Section 17. No court house shall be constructed by the

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said County of Pondera until the permanent county seat is, as hereinbefore provided, determined. Court house to be constructed, when.

Section 18. The County boundaries of the counties of Teton and Chouteau are hereby altered so as to conform to the boundaries of Pondera County, as established by this Act. Teton and Chouteau county boundaries altered.

Section 19. This Act shall take effect from and after the first day of April, 1919.

This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in session, it has become a law without the Governor's signature, this seventeenth day of February, A. D. 1919.

C. T. STEWART,
Secretary of State.

CHAPTER 23.

"An Act to Create the County of Roosevelt, Designate its Boundaries, and Providing for its Organization and Government, and to Change the Boundary of Sheridan County to Conform Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the State of Montana embraced within the following boundaries shall be known as and shall be Roosevelt County, in the State of Montana, to-wit: Roosevelt county created.

Beginning at a point at the northwest corner of Township 32 North, Range 46 East, Montana Principal Meridian; thence East along the Township line between Township 32 and 33, North, a distance about 48 miles to the Northeast corner of Township 32 North, Range 53 East, Montana Meridian; thence South a distance of about six miles along the Range line between Range 53 and 54 to the Southeast corner of Township 32 North, Range 53 East, Montana Meridian; thence East along the Township line a distance of about six miles between Township 31 and 32, to the Northeast corner of Township 31 North, Range 54 East, Montana Meridian; thence south a distance of about six miles to the Southeast corner of Township 31 North, Range 54 East, Montana Meridian; thence East along the Township line between Township 30 and 31 North to the boundary line of the States of Montana and North Dakota; thence South to the Missouri River; thence West on a meandering line of the Missouri River to the East boundary of Valley county; thence in a Northerly direction along Boundaries.

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the boundary line of Valley and Sheridan counties to the point of beginning.

Attached to Seventeenth Judicial District.

Section 2. That for judicial purposes the said County of Roosevelt shall be attached to and become a part of the Seventeenth Judicial District of the State of Montana.

Selection of temporary county seat.

That the temporary county seat of said County of Roosevelt shall be selected and designated in the manner provided by the provisions of Chapter 135 of the Acts of the Twelfth Legislative Assembly of the State of Montana, approved March 9th, 1911.

Laws applicable to new county.

Section 3. All laws of a general nature applicable to the several counties of the State of Montana, and officers thereof, shall be and are hereby made applicable to the said County of Roosevelt and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this Act.

Organization of Board of County Commissioners.

Section 4. It shall be the duty of the persons herein appointed to the office of the County Commissioners of the County of Roosevelt by this Act to meet in said County of Roosevelt within fifteen days after the passage and approval of this Act, and then and there organize as a Board of County Commissioners by electing one of their number as chairman, and proceed with the business of Roosevelt County, as provided by the laws of a general nature applicable to the several counties of the State of Montana.

Apportionment of indebtedness of Sheridan county.

Section 5. That all the indebtedness of Sheridan County, as the same shall exist on the first day of January, 1919, shall be apportioned between the County of Sheridan and the County of Roosevelt by first taking from said indebtedness the amount of all moneys on hand and the amount of all money belonging to said Sheridan County, and also deducting the value of all real and personal property within or belonging to the said Sheridan County on the first day of January, 1919, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Sheridan County and the taxable property in Roosevelt County, and heretofore within the boundaries of Sheridan County; said amount of taxable property to be ascertained and said apportionment and valuation of the County property to be made by a commission consisting of the Boards of County Commissioners of Sheridan County and Roosevelt County, and the Judge of the Seventeenth Judicial District of the State of Montana, which said commission shall meet at

Commissioners to ascertain values and apportion indebtedness.

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the Court House in the Town of Plentywood, on the second Tuesday of March, 1919, and shall take as a standard for said apportionment of said indebtedness the assessment of the year 1918, as determined by the Board of Equalization of said Sheridan County.

To meet when and where.

Section 6. That the treasurer of said County of Sheridan shall, at the time of the adjustment as provided in Sections 5 and 6 of this Act, make out and submit to the County Commissioners of Roosevelt County, a list of all delinquent taxes and amounts uncollected within the limits of Roosevelt County as defined above, provided that no delinquent taxes due the County of Sheridan shall be considered in the adjustment of the debt as herein above provided, but it shall be the duties of the Treasurer of Sheridan County to collect such delinquent taxes as shall be due said County and to turn over within thirty days after the making of such collections to the Treasurer of Roosevelt County, a pro rata share of such taxes as he shall be able to collect.

List of delinquet taxes.

Duty of treasurer of Sheridan county to collect delinquent taxes.

It is further provided that should there be a surplus of funds in the hands of the Treasurer of Sheridan County after the adjustment hereinbefore provided, said surplus shall be divided between the respective counties of Sheridan and Roosevelt in the same manner as herein provided for dividing the indebtedness.

Surplus funds.

Section 7. That upon the adjustment of said indebtedness it shall be the duty of the County Commissioners of Roosevelt County to cause to be made out, issued and delivered to the County Commissioners of Sheridan County warrants for an amount found due said County, which warrants, upon presentation, shall be endorsed by the Treasurer of Roosevelt County "not paid for want of funds" and shall thereafter draw interest as other county warrants.

Duty of county commissioners in settlement with Sheridan county.

Section 8. The County Commissioners of the County of Roosevelt for the purpose of paying any of the indebtedness which may be incurred by reason of assuming any of the indebtedness of the County of Sheridan, are hereby authorized and empowered to cause to be issued and to sell at not less than par the bonds of said County of Roosevelt in an amount equal to said indebtedness so incurred in the manner provided by law for the issuing and sale of county bonds.

Bonds which may be issued to pay indebtedness.

Section 9. It is hereby made the duty of the County Treasurer of the County of Sheridan to transfer and pay over on or before the first day of August, 1919, all

School moneys.

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moneys in said County of Sheridan, to the credit of school districts embraced within the limits of said County of Roosevelt as may have been hereby taken from said County of Sheridan, which said money so transferred shall be held by the County of Roosevelt to the credit and for the use of the same school districts as they formerly existed and it is further provided hereby that all moneys belonging to school districts which may be divided by the creation of the County of Roosevelt shall be divided between the portions of such districts remaining in each Sheridan and Roosevelt Counties in the proportion which the percentage of the assessed valuation within said whole district bears to the portion remaining in each of said counties, and which said share shall be deposited with the respective Treasurers of said Counties to be turned over to the district or districts of which said divided school districts may become a part.

Apportionment of school moneys.

Section 10. The Board of County Commissioners of Roosevelt County are hereby empowered and it shall be their duty to provide suitable books and to contract with the lowest responsible bidder for transcribing and indexing the records of the old county or counties all such parts thereof as relate to or affect property, or the title thereof, situated in the new county, and said records when so transcribed and certified, as herein provided. shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; providing that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens and original affidavits of registration which may affect or relate to property or persons situate within the new county, shall be by the County Clerk of the old county delivered to the County Clerk of the new county and be preserved by said County Clerk of the new county as permanent files of such new county.

Contract for transcribing records.

Delivery of records.

Compensation of clerk for comparing and certifying records.

The County Clerk of the County of Sheridan shall receive for the services in comparing and certifying to the correctness of the copy of said records, Five Dollars ($5.00) per day while engaged in said labor, which amount shall be paid by the County of Roosevelt on the completion of said labor.

Transfer of actions and proceedings.

Section 11. All actions pending in the District Court of the old county for the recovery of possession or quieting of title to, or for the enforcement of liens upon, or

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any other action affecting real estate lying in the County of Roosevelt, shall on motion of any party thereto, be transferred to the District Court to which the County of Roosevelt is attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the County of Roosevelt. All other actions or special proceedings in the District Court of said county on motion of any party interested therein, shall be transferred to the District Court of said County of Roosevelt and thereafter be subject to the same laws as if said action had been originally brought in the District Court of said County of Roosevelt.

Section 12. The following named persons are hereby appointed to fill the offices as set opposite their names:

Officers appointed by Act.

State Senator.....Henry Lowe
State Representative .....John Hoffman
County Commissioner.....R. E. Patch
County Commissioner.....Frank Weinrich
County Commissioner.....John Anderson
Treasurer.....W. E. Tidland
Sheriff.....P. J. Nacey
Assessor.....E. J. Rice
Clerk District Court.....T. Forbes
Clerk and Recorder.....John C. Dwyer
County Attorney.....Ernest L. Walton
Coroner .....A. W. Gustafson
Superintendent of Schools.....Mrs. Mina McFarlane
Public Administrator.....
County Surveyor.....Scott Hart

Powers and duties of officers.

All of said officers shall have the power to perform the same duties and be entitled to the same privileges as by law conferred on like officers in other counties and shall hold their respective offices until after the next general election and until their successors are duly elected and qualified; the said officers, however, before entering upon their duties shall severally give bonds and take the oath as required by all county officers of other counties in said state and said bonds shall be filed as by law required and approved by the State Auditor.

Bond and oath.

County to be of sixth class.

Section 13. For the purpose of determining the salaries of officers and all other administrative purposes, Roosevelt County shall be considered as a county of the Sixth class until the same is reclassified as provided by law.

Section 14. That at their first meeting said Commissioners of Roosevelt County are empowered to divide said

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Subdivision of county into municipal townships and road districts.

County into municipal Townships and establish road districts and they are hereby authorized to appoint two Justices of the Peace and two Constables for each municipal township and a road supervisor for each road district when required as provided by the Revised Codes of 1907 of the State of Montana, who shall hold office until their successors are elected or appointed and qualified.

Justices of the peace and road supervisors.

Old officers who hold over.

All township and precinct officers, road supervisors, officers of school districts and other officers within and for the County of Roosevelt, whose election or appointment is not provided for, shall and may continue to hold office and exercise the duties appertaining thereto until the expiration of such term to which said officers were elected or appointed.

Boundaries of Sheridan county.

Section 15. The county boundaries of the County of Sheridan are hereby altered so as to conform to the boundaries of Roosevelt County as established by this Act.

Section 16. This Act shall be in full force and effect from and after its passage and approval.

This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in Session, it has become a law without the Governor's signature, this eighteenth day of February, A. D. 1919.

C. T. STEWART,
Secretary of State.

CHAPTER 24.

"An Act Amending Section 2499 of the Revised Codes of 1907 of the State of Montana as Amended by Chapter 97 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, Relating to Exemptions from Taxation."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 2499 of the Revised Codes of Montana of 1907, as amended by Chapter 97 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Property exempt from taxation.

"Section 2499. Exemptions. The property of the United States, the state, counties, cities, towns, school districts, municipal corporations, public libraries, such other property as is used exclusvely for agricultural and horticultural societies, for educational purposes, places

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of actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity, evidences of debt secured by mortgages of record upon real or personal property in the State of Montana, and public art gallaries and public observatories not used or held for private or corporate profit, are exempt from taxation but no more land than is necessary for such purposes is exempt: Provided, that the terms public art gallaries and public observatories used in this Act shall mean only such art gallaries and observatories, whether of public or private ownership, as are open to the public, without charge or fee at all reasonable hours, and are used for the purpose of education only."

Limit to amount of land exempt.

Art galleries and public observatories are included.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after February 28th, 1919.

Approved February 18, 1919.

CHAPTER 25.

"An Act to Prevent the Public Exhibition of Any Red Flag, Red Banner or Red Emblem Symbolic of Social or Industrial Revolution, or any Flag, Banner or Emblem Bearing Inscriptions or Representations Opposed to Organized Government."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In any public street, avenue, alley, meeting hall, or place within the State of Montana it shall be unlawful to carry, display, exhibit, or cause to be carried, displayed, or exhibited, any red flag, red banner, or red emblem, commonly accepted as symbolic of social or industrial revolution, or any flag, banner, or emblem, bearing words, inscriptions or representations opposed to organized government, of or within the United States, provided that nothing herein shall be construed to deny the right of every citizen peaceably to assemble for the purpose of securing redress of grievances in the manner provided by law.

Flags symbolic of social or industrial revolution or opposition to organized government forbidden.

Section 2. Any person violating the provisions of this Act shall, upon conviction, be punishable by imprisonment in the county jail for a period not to exceed six months. or shall be fined in a sum not to exceed Five Hundred

Penalty.

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Dollars ($500.00), or shall be imprisoned in the State Prison for a period of not less than one (1), nor more than five (5) years, or shall suffer both such fine and imprisonment.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect three days after its passage and approval.

Approved February 18, 1919.

CHAPTER 26.

"An Act to Amend Section LIII, LIV and LV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as Amended by Chapter 118 of the Session Laws of the 12 Legislative Assembly of the State of Montana, the Same Being an Act Entitled "An Act Providing for the Management and Control of the Lands now Owned by or Hereafter to be Acquired by the State of Montana, Including the Sale and Rental Thereof, and the Management, Protection and Disposition of the Timber Growing Thereon and the Coal, Oil and Minerals Therein; Providing for the Management and Control of the Funds Realized from the Sale and Rental of State Lands and the Products Thereof; Naming and Providing for Certain Officers Subordinate to the State Board of Land Commissioners and Prescribing Their Duties and Compensation; Providing for the Acquisition of Water-Rights for Use upon State Lands; and Defining and Providing for the Punishment of Certain Offenses for Violating the Provisions of this Act; Relating to the Sale of Timber on State Lands.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section LIII of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as amended by Section 4 of Chapter 118 of the Session Laws of the Twelfth Legislative Assembly, be and the same is hereby amended to read as follows:

Timber on state lands may be sold at what price.

"Section LIII. **Sale of Timber.** The State Board of Land Commissioners shall have power to sell timber on state lands at such price per thousand feet as in its judgment shall be for the best interest of the state, but not

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otherwise; but no such sale of live timber shall be made at a less price than three dollars per thousand feet, except lodge pole pine which may be sold at the discretion of the Board. But no live timber less than eight inches in diameter, twenty feet from the ground, except lodge pole pine and cedar poles, shall be sold or permitted to be cut from state lands. All timber sold or cut from state lands shall be cut and removed under such rules and regulations for the preservation of standing timber, and the prevention of fires, as the State Board of Land Commissioners shall prescribe; in all cases the board must require the person cutting the timber to pile the brush and slashings and dispose of the same in such manner as to prevent forest fires. Before any permit shall be granted, except for cutting of lodge pole pines and cedar poles, the timber shall be estimated and appraised under the direction of the state forester, upon the request and subject to the approval of the State Board of Land Commissioners, which estimates and appraisals shall show as nearly as may be the amount and value per thousand feet of all timber measuring not less than eight inches in diameter, twenty feet from the ground, and also all other timber measuring below this standard on each tract or lot, together with a statement of the situation of the timber relative to risk from fires or damage of any kind, its distance from the nearest lake, stream or railroad, and its value and position as a protection to a water shed."

Price of live timber.

Sizes of live timber which may be sold.

Poles.

Rules and regulations for removing timber.

Brush and slashings.

Timber to be estimated and appraised.

What estimates and appraisals shall show.

Section 2. That Section LIV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as amended by Section 5 of Chapter 118 of the Session Laws of the Twelfth Legislative Assembly, be and the same is hereby amended to read as follows:

Law amended.

"Section LIV. **Permits for Cutting Timber.** No permit for cutting live timber shall be granted except to the highest bidder at a public sale held at the State Capitol, except as provided in Section LV, notice of which sale shall be published as provided by law, for the sale of state lands, but no sale shall be made at a less price than the appraised value of the timber as fixed by the State Board of Land Commissioners; and no timber shall be sold after the passage of this act until the same has been re-appraised and estimated since March 19, 1909. Every person purchasing timber at such sale, before the execution of the permit to cut the same, shall execute a bond

Permits to cut live timber to be granted to whom.

Public sale and notice.

Minimum price.

Re-appraised.

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to the State of Montana, in double the amount of the estimated value of the timber permitted to be cut, with sufficient sureties, to be approved by the board, conditioned upon the payment to the Register of State Lands of the amount that may be found due under the terms of such permit, and according to the provisions of law, and further conditioned upon the cutting of such timber in compliance with such rules and regulations as may be prescribed by the State Board of Land Commissioners."

Bond to be given by person receiving permit.

Section 3. That Section LV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as amended by Section 6 of Chapter 118 of the Session Laws of the Twelfth Legislative Assembly, be and the same is hereby amended to read as follows:

Law amended.

"Section LV. **Permits.** All permits to cut live timber under the provisions of this Act, shall be made according to a form prescribed by the Attorney General, and shall be signed by the party applying for the same and by the president and secretary of the State Board of Land Commissioners.

Form of permits.

Said permits shall contain a description of the land to be cut upon, the estimated amount of timber upon the same, the amount of large timber, required to be left standing, the time within which said timber shall be removed, the price per thousand feet, or the entire value of the timber, if the right to clear the land has been sold, for which the same was bid in, the stipulated log mark, and such other terms and conditions as may be necessary to make all logs cut under its provisions the absolute property of the state, until the same are paid for. Such permits, when properly executed, shall be recorded in the office of the register of the State Board of Land Commissioners, and the log mark described therein shall vest the ownership of all logs bearing the same in the State. Provided, however, that the State Board of Land Commissioners may authorize the State Forester to issue permits without notice to citizens of Montana to cut and take away dead standing timber under such rules and regulations as to price and quality as may be prescribed by the board, and provided further that the State Forester shall issue permits without notice to citizens of Montana to cut and take away down timber, without price, under such rules and regulations as may be prescribed by the board, and provided further, that the State

Permits shall contain, what.

To be recorded.

Log marks and title.

State Forester may be authorized to issue permits to citizens for what purpose.

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Board of Land Commissioners may authorize the State Forester to sell live timber in quantities not exceeding One Hundred Thousand feet in the aggregate in each forest reserve in any one year, without publishing or giving notice."

Forester may be authorized to sell what amount of live timber without notice.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1919.

CHAPTER 27.

"An Act providing for the Extermination of Rocky Mountain Spotted Fever Tick Bearing Rodents; Providing for the Creation of Control Districts for the Extermination of the Rocky Mountain Spotted Fever Tick; Regulating the Taking into, Removal from, and Grazing Within Such Control Districts of Domestic Animals and Empowering the Montana State Board of Entomology to Make Further and Additional Regulations Governing the Same and Providing Penalties for Violations Thereof; and Prescribing the Manner in Which the Cost and Expense of Exterminating Such Rodents Shall be Paid."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The word "owner" as used in this Act shall be construed to include both the singular and plural as the case may be, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer agent or other person, acting for or employed by any corporation, company, society or association, within the scope of his employment of office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the other person. The words "control district" as used in this act shall mean only such control districts of the State Board of Entomology as have been or may be specifically established for the control or eradication of any tick transmitting Rocky Mountain Spotted Fever. The words "other rodents" as used in this act shall be construed to include all rodents other than the Columbian ground squirrel that are hosts of

The word "owner" defined for purposes of Act.

Failure of agent deemed to be, what.

"Control district" defined.

"Other rodents" defined.

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"Domestic animals" defined.

any stage of a tick transmitting Rocky Mountain Spotted Fever. The words "domestic Animals" as used in this act shall be construed to include cows, horses, mules, asses, sheep, goats and hogs.

Control districts may be established by whom, and how.

Section 2. The State Board of Entomology may, from time to time and whenever it deems it necessary so to do, create and establish control districts for the extermination of the Rocky Mountain Spotted Fever Tick. Such control districts shall be created and established by a written order of the board which shall particularly define the boundaries of such districts.

State Board of Entomology empowered to make regulations.

Section 3. The State Board of Entomology is hereby empowered to make such regulations as it may deem necessary requiring the owners of land in any control district to poison or otherwise kill and exterminate the Columbian ground squirrel or other rodents and such regulations shall specify the Columbian ground squirrel or other rodents to be destroyed as well as the number of times each year the period or periods during which the means by which, and the control district or districts in which such poisoning or otherwise killing and exterminating of the Columbian ground squirrel or other rodents shall be accomplished; and the Secretary of said Board shall cause all such regulations to be published in one or more of the newspapers circulated in the county or counties concerned during two weeks immediately following their adoption by said Board.

Extermination of rodents.

Publication of regulations.

County Commissioners, duties and powers.

Section 4. Upon the establishment of one or more control districts within any county in Montana the County Commissioners of such county are hereby authorized and empowered to appoint some suitable person or persons whose duty it shall be to poison or otherwise kill and exterminate the Columbian ground squirrel or other rodents within the limits of such control districts and said County Commissioners are further authorized and empowered to pay out of the general fund of the county the perdiem of the person or persons so appointed and all other expenses in connection with the killing and extermination of such Columbian ground squirrel or other rodents. Any person so appointed is hereby empowered and directed to perform such poisoning or otherwise killing and exterminating of the Columbian ground squirrel or other rodents as the State Board of Entomology may specify provided the owner shall refuse or neglect to do so when so directed in the Regulations of the State Board of Entomology or shall refuse or neglect to do so

May pay expenses out of what fund.

Duty of person appointed to destroy rodents.

When owner fails.

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within the period specified by the regulations of said Board or provided such work has not been performed in a thorough and efficient manner. Any person so appointed is furthed empowered and directed to enter upon any farm, grounds or premises, a railroad right of way, or any other parcel of land, for the purpose of determining whether or not the Columbian ground squirrel or other rodents are present or for the purpose of killing and exterminating the Columbian ground squirrel or other rodents or to determine whether or not the Columbian ground squirrel or other rodents have been poisoned or otherwise killed and exterminated in accordance with the provisions of this act and the regulations of the State Board of Entomology. It is further provided that each member of the State Board of Entomology and each of its duly authorized representatives and employees are similarly empowered to enter upon any farm, grounds or premises, a railroad right of way, or any other parcel of land at any time for each and all of the purposes specified in this act. When an owner has neglected or refused to poison, kill or otherwise exterminate the Columbian ground squirrel or other rodents as required by the provisions of this act and the regulations of said Board, or has not done so in a thorough and efficient manner the Secretary of the State Board of Entomology or his duly authorized representative shall notify such owner that such poisoning or otherwise killing and exterminating of the Columbian ground squirrel or other rodents will be performed at the owners expense under the direction of said Board as provided in this act, and such notice shall be mailed to the last known address of such owner. and, in case of a railroad right of way, shall be delivered to the nearest station agent.

May enter premises for what purpose.

Extermination of Columbian ground squirrel or other rodents may be done at expense of owner, when.

Notice to owner.

Section 5. Any person or persons appointed for the purpose of poisoning or otherwise killing and exterminating the Columbian ground squirrel or other rodents as provided for in Section 4, of this act shall perform such work under the direction of the State Board of Entomology or its duly authorized representative in the county concerned; and it shall be the duty of any such person or of any duly authorized representative or employee of of said Board to give the owner or person in charge of any domestic animals which are pastured on the fenced land on which he is empowered to lay out poison or kill and exterminate the Columbian ground squirrel or other rodents, at least forty-eight hours notice in writing before

Persons appointed by Board of Entomology to act under its directions.

Notice to owner of animals in enclosed fields.

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Notice to occupant of dwelling or farm house. Records of infestation.

laying out such poison and to notify the owner or occupant of any dwelling or farm house before laying out poison for the above purpose within twenty rods of such dwelling or farm house. He shall further keep such records of infestation by the Columbian ground squirrel or other rodents as may be directed by the State Board of Entomology or its duly authorized representative and shall keep an accurate record of the work performed on each parcel of land on which such person has poisoned or otherwise killed and exterminated the Columbian ground squirrel or other rodents, specifying therein the kind of rodents so poisoned or otherwise killed and exterminated, the number of hours of labor required therefor,

Other records.

the date or dates during which, and a description of the land on which such labor was performed together with the amount of poison or other material used, and shall transmit two sworn copies of such records to the Secretary of the State Board of Entomology or his duly authorized representative in the county concerned and the latter shall on or before the first day of August of each year transmit one copy thereof, on which is computed the total expense incurred on each parcel of land, to the County Treasurer.

Compensation to be paid person appointed to exterminate.

Section 6. Any person or persons appointed for the purpose of poisoning or otherwise killing and exterminating the Columbian ground squirrel or other rodents as provided for in Section 4, of this act shall receive as compensation not to exceed the sum of three dollars and fifty cents per day of eight hours for labor performed in

At expense of county.

carrying out the provisions of this act and such amount shall be paid by the County concerned out of its general fund. The maximum charge against any parcel of land shall not be greater for any one treatment that at the rate

Maximum expense against land.

of eight dollars per one hundred and sixty acres. Whenever under the provisions of this act or of the Regulations of the State Board of Entomology any money is expended by a county for the purpose of poisoning or otherwise killing and exterminating the Columbian

County treasurer to give notice of expense to whom.

ground squirrel or other rodents from any parcel of land, the County Treasurer of such county shall notify the owner of such land in writing of the amount so expended. Said notice shall be mailed to the last known address of such owner and if such owner shall fail to pay the amount

Expense to be added to tax list of owner, when.

so expended by the County within thirty days of the time such notice is sent, then, and in that event, the County Treasurer shall add the amount so expended to

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the taxes upon said property and shall collect the same as provided by law for the collection of taxes for state and county purposes, except that such owner may within thirty days from the time such notice is sent appear before the County Commissioners and show cause why such sum should not be paid. Provided, however, that if such owner shall feel aggrieved by the decision of the County Commissioners such owner may appeal to the district court, and such appeal shall be perfected and prosecuted in the same manner as appeal in justice courts.

Appeal to district court.

Section 7. In any county concerned, poison for the killing and exterminating of the Columbian ground squirrel or other rodents shall be prepared by the Secretary of the State Board of Entomology or his duly authorized representative and shall be sold by him or his agents at cost to any owner or occupant of land in any control district; and it is further provided that the Secretary of the State Board of Entomology or his duly authorized representative shall also prepare or approve all poison used by persons authorized under this act to lay out poison on lands the owners of which shall refuse or neglect to poison or otherwise kill and exterminate the Columbian ground squirrel or other rodents as directed by the regulations of the State Board of Entomology.

Poison to be sold at cost to whom.

When poison to be approved by secretary of Board.

Section 8. Between March first and July fifteenth of each year each control district shall be held to be a quarantined area. Owners of domestic animals shall be prohibited from taking or moving such animals into or out of any quarantined control district, or from allowing such domestic animals to wander into or out of any quarantined control district; provided that such domestic animals may be moved into or out of such quarantined control district under permits issued by the Secretary of the State Board of Entomology or by his duly authorized representative except that no permit so issued shall be effective for animals upon which a quarantine has been placed by the Live Stock Sanitary Board, and provided further that animals ridden under the saddle or driven in harness or under yoke shall not be subject to this quarantine.

Control district to be held quarantined and animals not to be moved out, when.

Proviso.

The Secretary of the State Board of Entomology or his duly authorized representative shall be required to satisfy himself that domestic animals are free of ticks before issuing to the owner a permit allowing the removal into or out of quarantined district of such domestic animals.

Duty of secretary and agent upon granting permits.

Section 9. The State Board of Entomology is hereby

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Power of Board in controlling grazing outside of enclosures.

authorized and empowered to make regulations for the purpose of prohibiting or of regulating and controlling the grazing of domestic animals on unfenced land and roadsides and country roads within the limits of any control district established by said Board.

Penalty for violation of Act.

Section 10. Any owner of domestic animals who shall violate any provision of Sections eight and nine of this act or any regulation of the State Board of Entomology made in conformity therewith shall be guilty of a misdemeanor and shall be fined in any sum not greater than $100.00 or imprisoned in the county jail for any period not exceeding thirty days or both such fine and imprisonment may be imposed.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

Section 12. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1919.

CHAPTER 28.

"An Act to Amend Section 4643 of the Revised Codes of the State of Montana, of 1907, Relating to the Recording of Instruments Affecting the Title to or Possession of Real Property."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 4643, Revised Codes, amended.

Section 1. That Section 4643 of the Revised Codes of the State of Montana, of 1907, be, and the same is hereby, amended to read as follows:

What may be recorded.

"Section 4643. Any instruments or judgment, affecting the title to or possession of real property, may be recorded under this chapter. When any instrument or judgment, affecting the title to or possession of real property, situated in more than one county in this state, has been recorded in either of such counties, a copy thereof, certified to by the County Clerk of the County in which it has been recorded, may be recorded in any other county in this state wherein any portion of the real property affected by such instrument or judgment is situated, and such records will have the same effect as if the original instrument or judgment had been so recorded."

Recording certified copies in another county.

Effect of recording certified copy.

Section 2. This act shall be in force and effect from and after its passage and approval.

Approved February 18, 1919.

CHAPTER 29.

"An Act to Amend Section 13 of Chapter 122 of the Session Laws of the 14th Legislative Assembly, Relating to the Registration of Electors and Change of Voting Precinct."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 13 of Chapter 122 of the Session Laws of the 14th Legislative Assembly, is hereby amended to read as follows:

Change of precinct residence by elector.

Section 13. Every elector on changing his residence from one precinct to another within the same county, may cause his registry card to be transferred to the register of the precinct of his new residence, by a request in writing to the County Clerk of such county, in the following form:

Transfer of registry card.

I, the undersigned, elector, having changed my residence from Precinct No..... to Precinct No..... in the County of....., State of Montana, herewith make application to have my registry card transferred to the precinct register of the precinct of my present residence. My registration number is.....

Form of request.

Dated at....., on the.....day of ....., 19.....

Transfer of registry card in rural precincts.

Whenever it shall be more convenient for any elector residing outside of an incorporated city or town to vote in another precinct in the same political township, in the county, such elector may cause his registry card to be transferred from the precinct of his residence to such other precinct, by filing in the office of the County Clerk of such county, at least thirty (30) days prior to any election, a request in writing, in the following form:

Form of request.

I, the undersigned elector, herewith make application to have my registry card transferred from Precinct No. .....to the register of Precinct No....., in the county of ....., State of Montana. The reason why it is more convenient for me to vote in said Precinct No..... is that.....

.....

Dated at....., on the.....day of ....., 19.....

Duty of county clerk when making transfer.

The County Clerk shall compare the signature of the elector upon such request in either case, with the signature upon the registry card of the elector as indicated, and may question the elector as to any of the information contained upon such registry card, and if the County

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Clerk is satisfied concerning the identity of the elector and his right to have such transfer made, he shall endorse upon the registry card of such elector, the date of the transfer and the precinct to which transferred and shall file said card in the register of the precinct of the elector's present residence, or of the precinct to which he has requested that his registry card be transferred, and the County Clerk shall in each case, make a tranfer of the elector's name, together with all data connected therewith, to the proper precinct in the register.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1919.

CHAPTER 30.

An Act to Amend Section 4120, Revised Codes of Montana of 1907, Relating to Return of Deposits by State Auditor Upon Request of Life Insurance Companies Under Certain Conditions."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section 4120, Revised Codes.

Section 1. That Section 4120 Revised Codes of the State of Montana of 1907 be and the same is hereby amended so as to read as follows:

Deposits may be returned to a domestic company, when.

"Section 4120. Return of Deposit by State Auditor:—Upon the request of any domestic insurance company the State Auditor must return to such company the whole or any portion of the securities of such company held by him on deposit, when he shall be satisfied that the securities so asked to be returned are subject to no liability and not required to be longer held by any provision of law or purpose of the original deposit. If such company has, with the approval of the State Auditor, reinsured all of its outstanding risks in another life insurance company or companies authorized to do business in this state, then the State Auditor must deliver said securities to such other company or companies so assuming such outstanding risks upon written notice to him by such domestic insurance company that such securities have been duly assigned, transferred and set over to such reinsuring company or companies, which notice shall be accompanied by a duly verified copy of such assignment

Delivery of deposits to re-insuring company.

Notice to auditor.

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or assignments. And he must return to the trustees or other representative authorized for that purpose of a foreign insurance company any deposit made by such company when it shall appear that such company has ceased to do business in this state, or in the United States, and that such company is not subject to any liability in this state for whose benefit such deposit was made. Provided, however, that none of such securities shall be delivered to such reinsuring company until such reinsuring company shall present to the State Auditor satisfactory evidence that such reinsuring company has deposited with the proper officer or commission in the State in which it is organized securities in such amount as may be required by the laws of such state as a reserve to the holders of the policies so reinsured."

Deposits to be returned to foreign company, when.

Proviso.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1919.

CHAPTER 31.

"An Act to Amend Section 1 and Section 3 of Chapter 104 of the Laws of 1915 Relative to the Operation of Hoisting Engines."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 104 of the laws of 1915 be, and the same is hereby amended so as to read as follows:

Law amended.

Section 1. It shall be unlawful for any person to operate an electric hoisting engine, or any air hoisting engine, or any hoisting engine operated by gas, oil or any product of oil, of over five (5) horse power when used in lowering or hoisting men, except in operating elevators in buildings, or any air compressor operated by any power, without first obtaining a license therefor from a boiler inspector as herein provided. Except that in emergencies the provisions of Section 1657 of the Revised Codes relating to the employment of unlicensed engineers shall apply to the operation of the engines and machinery named herein.

License to operate hoisting engines.

Exception.

When Section 1657, Revised Codes 1907, applies.

Section 2. That Section 3 of Chapter 104 of the laws of 1915 be, and the same is hereby amended so as to read as follows:

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Scope of license.

Section 3. A license granted under the provisions of this act shall entitle the holder thereof to operate any of the machinery named in Section 1 of this Act, and the license shall specify on its face such machinery, but no license issued hereunder shall authorize or qualify the person to whom issued to operate a steam boiler or steam engine. Any person holding a license as a first class engineer, authorizing him to operate steam boilers and steam engines shall be deemed qualified to operate any of the engines and machinery named in Section 1 of this Act without obtaining any license under the provisions thereof. Any person holding a license as a second class engineer, authorizing him to operate steam boilers and steam engines shall be deemed qualified to operate any of the engines and machinery mentioned in Section 1 of this Act, where the same are not over one hundred horse power capacity, without obtaining any license under the provisions thereof.

First class engineer's license qualifies.

Second class engineer's license qualifies, when.

Section 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 4. This act shall take effect and be in full force upon its approval by the Governor.

Approved February 20, 1919.

CHAPTER 32.

"An Act to Amend Section 1643, Section 1649, Section 1652 and Section 1655 of the Revised Codes of Montana Relative to the Inspection of Boilers; to Establish a New Grade of License to Be Known as Low Pressure License, and to Classify Dinkey Locomotives as Traction Engines."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section 1643, Revised Codes.

Section 1. That Section 1643 of the Revised Codes of Montana be, and the same is hereby amended so as to read as follows:

Duty of inspector of boilers.

Notice to inspector by persons bringing boilers into state.

Section 1643. The inspector of boilers must inspect all steam boilers and steam generators before the same are used, and all persons who bring into this state any boiler or boilers must notify the boiler inspector stating the number and kind of boilers, where they had heretofore been located and where they are to be located and operated in this state, and must secure from the boiler inspector a certificate of inspection before said boilers

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are placed in operation, except in the case of new boilers, which must be inspected within ninety (90) days after they are put in use, and all boilers must be inspected at least once in every year. Any person failing to give notice to the boiler inspector as herein provided, or who operates such boilers without a certificate from the boiler inspector shall be punished by a fine of not less than one hundred dollars ($100.) nor more than Five hundred Dollars ($500.00) for each offense, or by imprisonment in the county jail for not less than thirty nor more than ninety days, or by both such fine and imprisonment. The inspector of boilers must subject all boilers to hydro-static pressure, which hydro-static pressure must be 33 1-3% greater than the steam pressure allowed on the boilers, providing there are no such leaks on such boilers which prevent the inspector from applying such hydro-static pressure. And the inspector must satisfy himself by a thorough interior and exterior examination that the boilers are well made and of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of the proper dimensions and free from obstructions; that the flues are circular in shape; that the fire line of the furnace is at least two inches below prescribed minimum water line of the boilers; that the arrangements for delivering the feed water is such that the boilers cannot be injured thereby, and that such boilers and the steam connections may be safely employed without danger to life.

Inspection certificate to be procured, when.

When new boilers must be inspected.

Annual inspection.

Penalty for violation of section.

Hydro-static pressure to be used, when.

Extent of inspection and standards required.

Pipes and tubes.

Flues.
Fire line

Water feed arrangement.

Section 2. That Section 1649 of the Revised Codes of Montana be, and the same is hereby amended so as to read as follows:

Amending section 1649, Revised Codes.

Section 1649. Engineers entrusted with the care and management of steam machinery as specified in Section 1648, must be divided into four classes, namely, first class engineers, second class engineers, third class engineers and low pressure engineers. No license shall be granted to any person to perform the duties of a first class engineer who has not taken and subscribed an oath that he has had at least three years experience in the operation of steam boilers and steam machinery, or whose knowledge and experience is not such as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery. No license must be granted to any person to act as a second class engineer who has not taken and subscribed an oath that

Classification of engineers.

Requirements for a first-class license.

Requirements for a second-class license.

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Requirements for a third-class license.

he has had at least two years experience in the operation of steam boilers and steam engines and is, on examination found competent to take charge of all classes of steam boilers and steam machinery not exceeding one hundred horse power. No license must be granted to any person to act as a third class engineer who has not served at least one year under a competent engineer and is found, upon examination, to be sufficiently acquainted with the duties of an engineer to be entrusted with the care of steam boilers, and of steam machinery not exceeding twenty horse power. All firemen who have charge of steam boilers, as to the regulation of feed water and fuel, where the boilers are so situated as not at all times to be under the eye of the engineer in charge, are required to pass a third class engineers examination and procure the same kind of license. All firemen who operate boilers where over thirty pounds pressure per square inch is allowed must hold at least a third class license. All persons who operate heating boilers or plants in public buildings where the steam pressure allowed on such boilers is thirty pounds per square inch or less must procure from an inspector a low pressure license. Applicants for this grade of license must have at least six months previous experience in the care and management of low pressure boilers and must be found competent, on examination to hold such grade of license. Such license shall not entitle the holder thereof to operate steam boilers or steam machinery where the boiler pressure allowed is over thirty pounds to the square inch. Engineers holding third class or higher class of license may operate boilers in heating plants where thirty pounds pressure or less, per square inch is allowed without obtaining a low pressure license. All applicants for license as stationary engineers or firemen must be at least eighteen years of age. None of the licenses in this section above named shall entitle the holder thereof to operate a traction engine, but all persons who are entrusted with the care and management of traction engines, or boilers on wheels, are required to pass an examination as to their competency to operate such class of machinery and to procure a license to be known as a traction license. Such traction license shall not entitle the holder thereof to operate any other class of steam machinery specified in Section 1648. No license shall be granted to any person to act as a traction engineer who has not had at least six months experience as fireman on traction engines and who is not

Firemen to pass a third-class engineer's examination, when.

Low pressure license.

Previous experience required.

Limit to this class of license.

Not required of engineers holding licenses.

Required age of engineers and firemen.

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found, upon examination, to be sufficiently acquainted with the duties of a traction engineer to be entrusted with the care of traction engines. Applicants for traction license must be at least eighteen years of age.

"Traction license" required of whom.

Requirements of a traction engineer.

Section 3. That Section 1652 of the Revised Codes of Montana be and the same is hereby amended so as to read as follows:

Amending section 1652, Revised Codes.

Section 1652. The inspector of boilers is authorized to charge a fee of ten dollars for the inspection of each steam boiler and its steam connections and five dollars for each additional boiler when connected. The fee for the inspection of each traction engine or boiler on wheels shall be ten dollars. The fee for the inspection of boilers in incorporated cities shall be five dollars. Such fees shall be payable at the time of the inspection. In case of the failure of the owner, manager or person in charge of any boiler to pay such fee upon the demand of the inspector, said inspector is authorized to seal the firebox of said boiler and said seal shall not be removed until said fee is paid and the written order of the inspector authorizing its removal is received by said owner or manager. Any person who tampers with or removes such seal without such written order shall be deemed guilty of a misdemeanor and punished as provided by Section 1647. The fee for the examination of applicants for engineer's license is $7.50 for first class engineer; $5.00 for second class engineer; $3.00 for third class engineer; $2.00 for low pressure engineer and $3.00 for traction engineer, to be paid at the time of application for license. In case of the failure of any applicant to pass a successful examination, ninety days must elapse before he can again be examined as applicant for license. But the inspector may grant to the applicant a lower grade of license than that applied for upon such examination. All certificates of inspection and engineers licenses must be displayed in a conspicuous place in the engine room.

Fees for inspecting boilers.

Traction engines.

Incorporated cities.

Penalty for failure to pay inspection fees.

Penalty for tampering with or removing seal on firebox.

Engineer's license fee.

Failure and second examination.

License certificates must be displayed.

Section 4. That Section 1655 of the Revised Codes of Montana be, and the same is hereby amended so as to read as follows:

Amending section 1655, Revised Codes.

Section 1655. Boilers used for heating purposes in private residences and locomotives used on railroads conducting a general business in hauling passengers and freight do not come under the provisions of this article. But locomotives, commonly known as Dinkey Engines, used in operating logging or mining railroads, or any

Boilers which do not come under Act.

Dinkey engines classified, how.

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similar work where such locomotives are owned, leased or operated by any individual, company or corporation and are used in the business of such individual, company or corporation and not for general commercial purposes, shall be classed as traction engines and be subject to inspection as are other traction engines, and the persons operating or firing such dinkey locomotives shall be required to hold traction license. Nor are locomotive engineers, save as herein provided, or persons operating any of the engines or boilers herein exempted from the operation of this article required to procure license from the inspectors. It shall be the duty of the owner and user of any traction engine or boiler on wheels to notify the inspector of the location of such boiler on or before the first day of June of each year. Any owner or user of such traction engine or boiler on wheels who shall fail to notify the inspector as herein provided shall be deemed guilty of a misdemeanor. Any person purchasing any steam boiler, whether traction or stationary boiler, shall be entitled to receive from the seller the certificates of inspection issued on such boiler, and any person purchasing any steam boiler, whether traction or stationary, not exempted by the provisions of this section, shall, within ten days after such purchase report the fact of such purchase to the boiler inspector and notify such inspector where he intends to locate or operate said boiler. Any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor. All other steam boilers and steam engines, save as herein exempted, come under the provisions of this article and persons operating same are required to hold the proper grade of license.

Engineers not required to procure licenses.

Duty of owners and users of traction and engines on wheels to give notice.

Failure to give notice a misdemeanor.

Purchasers of boilers entitled to inspection certificate.

Purchasers shall notify the boiler inspector.

Misdemeanor.

Steam boilers and engines coming under Act.

Section 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 6. This act shall take effect upon its passage and approval by the Governor.

Approved February 20, 1919.

CHAPTER 33.

"An Act to Create the County of McCone, Designate its Boundaries and Provide for its Organization and Government, and to Change the Boundaries of Dawson and Richland Counties to Conform Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

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McCone county created.

Section 1. That all of that portion of the State of Montana embraced within the following boundaries shall be known as, and shall be, McCone County in the State of Montana, to-wit:

Boundaries.

Beginning at the point of intersection of the Range line between Ranges Fifty (50) and fifty-one (51) East at the center of the main channel of the Missouri River; running thence South along the Range line between Ranges Fifty (50) and fifty-one (51) East to the north line of Township Twenty-four (24) North, Range Fifty-one (51) East; thence West along the North line of Township Twenty-four (24) North to the Northeast corner of Township Twenty-four (24) North, Range Fifty (50) East; thence South along the Range line between Ranges Fifty (50) and fifty-one (51) East to the Southeast corner of Township Twenty-four (24) North, Range Fifty (50) East; thence West along the North line of Township Twenty-three (23) North to the Northwest corner of Township Twenty-three (23) North, Range Fifty (50) East; thence South along the Range line between Ranges Forty-nine (49) and Fifty (50) East to the Southeast corner of Township Twenty-one (21) North, Range Forty-nine (49) East; Thence West along the North line of Township Twenty (20) North to the Northwest corner of Township Twenty (20) North, Range Fifty (50) East; thence South along the Range Lines between Ranges Forty-nine (49) and Fifty (50) East to the North line of Township Sixteen (16) North, being the Southeast corner of Township Seventeen (17) North, Range Forty-nine (49) East; thence West along the North line of Township Sixteen (16) North to the Northwest corner of Township sixteen North, Range Forty-seven (47) East; thence South along the Range line between Ranges Forty-six (46) and Forty-seven (47) to the southeast corner of Township Sixteen (16) North, Range Forty-six (46) East; thence West along the North line of Township Fifteen (15) to the Southeast corner of Township Sixteen (16) North, Range Forty-five (45) East; thence North along the Range line between Ranges Forty-five (45) and Forty-six (46) East to the northeast corner of Township Sixteen (16) North, Range Forty-five East; thence West along the North line of Township Sixteen (16) North to the Southwest corner of Township Seventeen (17) North, Range Forty-four (44) East; thence North along the Range Line between Ranges Forty-three (43) and Forty-four (44) East to the Northeast corner of Township

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Eighteen (18) North, Range Forty-three (43) East; thence West along the North Line of Township Eighteen (18) North, to the Southwest corner of Township Nineteen (19) North, Range Forty-three (43) East; thence North along the Range line between Ranges Forty-two (42) and Forty-three (43) to the point of intersection of said Range Line, extending with the North line of Township Twenty (20) North, extended; thence East along the North line of Township Twenty (20) North, extended, to the point of intersection with the Range Line between Ranges Forty-two (42) and Forty-three (43) East, extended; thence North along the Range line between Ranges Forty-two (42) and forty-three (43) East, extended, to the Northeast corner of Township Twenty-four (24) North, Range Forty-two (42) East; thence West along the North Line of Township twenty-four (24) to the Southwest corner of Township Twenty-five (25), Range Forty-two (42) East; thence North along the Range line between Ranges Forty-one (41) and Forty-two (42) East to the Southwest corner of Township Twenty-six (26) North, Range Forty-two (42) East; thence West along the North line of Township Twenty-five (25) North to the point of intersection with the main channel of the Missouri River; thence in a northerly and easterly direction along the center of the main channel of the Missouri River to the place of beginning.

Attached to Seventh Judicial District.

Section 2. That for judicial purposes the said County of McCone shall be attached to, and become a part of, the Seventh Judicial District of the State of Montana.

Selection of temporary county seat.

Section 3. That the temporary county seat of said County of McCone shall be selected and designated in the manner provided by the provisions of Chapter 135 of the Acts of the Twelfth Legislative Assembly of the State of Montana, approved March 9th, 1911.

Laws applicable to new county.

Section 4. All laws of a general nature applicable to the several counties of the State of Montana, and all offices thereof shall be made applicable to the said County of McCone, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this Act.

Organization of Board of County Commissioners.

Section 5. It shall be the duty of the persons herein after appointed to the office of County Commissioners of said County of McCone by this Act, to meet at the town of Circle in said County of McCone within fifteen (15) days after the passage and approval of this Act, and then

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and there organize as a Board of County Commissioners, by electing one of their number as Chairman.

Apportionment of indebtedness of Dawson county.

Section 6. That all the indebtedness of Dawson County, as the same shall exist on the first day of April, 1919, shall be apportioned between the County of Dawson and the County of McCone by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to said Dawson County and also deducting the value of all real and personal property within or belonging to the said Dawson County on the first day of April, 1919, and the remainder of the said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Dawson County, and the taxable property in McCone County, and heretofore within the boundaries of Dawson County; said amount of taxable property to be ascertained and said apportionment and valuation of the county property to be made by a commission consisting of the Board of County Commissioners of Dawson County and McCone County and the Judge of the Seventh Judicial District of the State of Montana, which said commission shall meet at the Court House in the City of Glendive on the first Monday in April, 1919, and shall take as standard for said apportionment of indebtedness the assessment of the year 1918, as determined by the Board of Equalization of said Dawson County.

Commission to ascertain value and apportion indebtedness.

To meet when and where.

Section 7. That all of the indebtedness of Richland County, as the same shall exist on the first day of April, 1919, shall be apportioned between the County of Richland and the County of McCone by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to the said Richland County and also deducting the value of all real and personal property within or belonging to the said Richland County on the first day of April, 1919, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Richland County and the taxable property in McCone County, and heretofore within the boundaries of Richland County; said amount of taxable property to be ascertained and said apportionment and valuation of the county property to be made by a commission consisting of the Board of County Commissioners of Richland County and McCone County and the Judge of the Seventh Judicial District of the State of Montana, which said Commission shall meet at the Court House in the City of Sidney on the first Monday in May,

Manner of apportionment of indebtedness.

Commission to make apportionment.

Time and place of meeting.

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1919, and shall take as a standard for said apportionment of indebtedness the assessment of the year 1918, as determined by the Board of Equalization of said Richland County.

List of delinquent taxes.

Section 8. That the treasurers of said Counties of Dawson, Richland, and McCone shall at the time of the adjustment, as provided in this Act, make out and transmit to the County Commissioners of McCone County a list of all delinquent taxes and amounts of uncollected taxes within the limits of McCone County as above defined; provided that no delinquent taxes due the counties of Dawson and Richland shall be considered in the adjustment of the debt as hereinbefore provided; but it shall be the duties of the treasurers of Dawson, Richland and McCone Counties to collect such delinquent taxes as shall be due said county, and to turn over, within thirty days after making such collection, to the treasurer of McCone County a pro rata share of such taxes as he may be able to collect.

Duty of county treasurers to collect delinquent taxes.

Surplus funds.

It is further provided that should there be a surplus of funds in the hands of the treasurers of Dawson and Richland Counties after the adjustment hereinbefore provided, said surplus shall be divided between the counties of Dawson, Richland, and McCone in the same manner as herein provided for dividing the indebtedness.

Duty of county commissioners in settlement with Dawson and Richland counties.

Section 9. That upon the adjustment of said indebtedness, it shall be the duty of the County Commissioners of McCone County to cause to be made out, issued and delivered to the County Commissioners of Dawson and Richland Counties, warrants for any amounts found due said county, which warrants upon presentation shall be endorsed by the treasurers of Dawson and Richland Counties, "Not paid for want of funds," and shall thereafter draw interest as other county warrants.

Bonds which may be issued to pay indebtedness.

Section 10. The County Commissioners of the County of McCone, for the purpose of paying any of the indebtedness which may be incurred, by reason of assuming any of the indebtedness of the Counties of Dawson and Richland, are hereby authorized and empowered to cause to be issued and to sell at not less than par the bonds of said County of McCone in an amount of said indebtedness so incurred, in the manner provided by law for the issuing and sale of county bonds.

Transfer of school funds.

Section 11. It is hereby made the duty of the County Treasurers of Dawson and Richland Counties to transfer and pay over on or before the first day of August, 1919,

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all moneys in said counties of Dawson and Richland to the credit of school districts embraced within the limits of said County of McCone, as may have been hereby taken from the said Counties of Dawson and Richland, which said moneys so transferred shall be held by the said County of McCone to the credit and for the use of the same school districts as they formerly existed.

Section 12. The Board of County Commissioners of McCone County are hereby empowered and it shall be their duty to provide suitable books and to contract with the lowest responsible bidder for transcribing and indexing the records of the old county or counties all such parts thereof as relate to or affect property, or the title thereof, situated in the new county, and said records when so transcribed and certified, as herein provided, shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; providing that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens and original affidavits of registration which may affect or relate to property or persons situate within the new county, shall be by the County Clerk of the old county delivered to the County Clerk of the new county and be preserved by said County Clerk of the new County as permanent files of such new county.

Contract for transcribing records.

Delivery of records.

The County Clerks of the Counties of Dawson and Richland shall each receive for the services in comparing and certifying to the correctness of the copy of said records, Five Dollars ($5.00) per day while engaged in said labor, which amount shall be paid by the County of McCone on the completion of said labor.

Compensation of clerk for comparing and certifying records.

Section 13. All actions pending in the District Court of the old counties for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate lying in the County of McCone shall, on motion of any party thereto, be transferred to the District Court to which the County of McCone is attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the County of McCone. All other actions or special proceedings pending in the District Court of said old counties, on motion of any party interested therein, shall be transferred to the District Court of said County of McCone,

Transfer of actions and proceedings.

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and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the said County of McCone.

Officers appointed by Act.

Section 14. The following named persons are hereby appointed to fill the offices set opposite their names:

County Commissioner .....John H. Bowden.
County Commissioner.....K. F. Kirchner
County Commissioner.....Chas. S. O'Brien
County Treasurer.....Chas. A. Daily
County Assessor.....E. E. Lewis
Clerk of the District Court.....
Clerk and Recorder.....Harold Rorvik
County Attorney .....O. J. Thompson
County Superintendent of Schools.....F. J. Ward
County Sheriff.....H. W. Johnson
Surveyor .....Hunter F. Handforth
Administrator .....Dan McCugh
Coroner .....J. J. Moriarty

Powers and duties of officers.

All of said officers shall have power and perform the same duties and be entitled to the same privileges as by law conferred on like officers in other counties and shall hold their respective offices until after the next general election, or until their successors are duly elected and qualified; the said officers, however, before entering upon their duties shall severally give bonds and take the oath as required of the county officers of other counties in other counties of this State, and said bonds shall be filed as by law required and approved by the State Auditor.

Bond and oath.

County to be of seventh class.

Section 15. That said County of McCone shall be designated as a county of the seventh class and the officers appointed, as mentioned herein in Section 15, shall each be allowed to receive as compensation as such officers, such salary, compensation and emoluments as are provided by law for officers of counties of the Seventh Class.

Subdivision of county into municipal townships and road districts.

Section 16. That at their first meeting the said Commissioners of McCone County are empowered to subdivide said county into municipal townships and establish road districts, and they are hereby authorized to appoint two justices of the peace and two constables for each municipal township, and road supervisor for each road district, when required, as provided by the Revised Codes of 1907 of the State of Montana, who shall hold their offices until their successors are elected or appointed and qualified.

Justices of the peace and road supervisors.

All township and precinct officers, road supervisors,

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officers of school districts and other officers, within and for the County of McCone, whose election or appointment is not provided for, shall and may continue to hold office and exercise the duties pertaining thereto until the expiration of the term for which said officers were elected or appointed.

Old officers who hold over.

Section 17. No court house shall be constructed by the said County of McCone until the permanent county seat is, as hereinbefore provided, determined; provided, that the Board of County Commissioners may provide suitable temporary quarters for the accommodation of the officers of said county at a cost of not to exceed Four Thousand Dollars, ($4,000.00).

Court house to be constructed, when.

Section 18. The county boundaries of the Counties of Dawson and Richland are hereby altered so as to conform to the boundaries of McCone County as established by this Act.

Dawson and Richland county boundaries altered.

Section 19. This Act shall take effect from and after the first day of April, 1919.

This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in session, it has become a law without the Governor's signature, this twentieth day of February. A. D. 1919.

C. T. STEWART, Secretary of State.

CHAPTER 34.

"An Act to Amend Sections No. 2, No. 3, No. 8, No. 9, and No. 10 of Chapter 169 of the Laws of the Fifteenth Legislative Assembly of the State of Montana Entitled. "An Act to Create a State Board of Hail Insurance; Defining the Duties and Powers of said Board, and of Public Officers in Connection Therewith; Providing for the Levy and Collection of Taxes on all Lands Subject to Injury or Destruction by Hail of all Tax Payers Who May Elect to Become Subject to the Provisions of this Act; Providing for a Hail Insurance Fund; Providing for the Appointment of Appraisers, the Appraisal and Adjustment of Losses, and the Settlement therefor: and Repealing all Acts Which in Any Way Conflict with this Act and all Acts Amendatory Thereof, and to Add Two New Sections Thereto to be Known as Sections No. 2 (a) and Section No. 2 (b), all Relating to the Powers and Duties of the State Board of Hail Insurance, and to Repeal all Acts Which May in Any Way Conflict with This Act."

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Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section No. 2 of Chapter 169 of the Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended so as to read as follows:

What lands included in Act.

"Section No. 2. A tax is hereby authorized and directed to be levied on all lands in this State growing crops subject to injury or destruction by hail, the owners of which have elected to become subject to the provisions of this act.

Estimate and levy of taxes.

The State Board of Hail Insurance shall annually estimate, as near as may be possible, the amount required to pay all losses, interest on warrants and costs of administration, and shall recommend the levy to be made on each kind of land respectively, subject to the provisions of the Act, to the State Board of Equalization:

Limit to amount of annual taxes to be levied on land sown to grain.

provided, however, that such tax shall not exceed in any one year the sum of one dollar twenty cents per acre on lands sown to grain crops nor fifty cents per acre on lands sown to hay crops; and provided, further, that if the tax

In hay crop.

required to pay the estimated losses, interest on warrants and costs of administration be less than fifty cents per

Estimate and levy may be changed.

acre on lands sown to grain crops and a proportionate amount on lands sown to hay crops, the State Board of Hail Insurance must recommend a tax levy sufficient to raise the full amount thereof.

Duty of State Board of Equalization.

The State Board of Equalization is hereby empowered and it is made its duty to prescribe such levies annually to be made against lands growing crops subject to injury or destruction by hail which are subject to this Act, in

Levy chargeable to whom.

accordance with the recommendations of the State Board of Hail Insurance. Such tax levies respectively shall be chargeable to each tax payer who shall elect to become

To be extended on tax roll.

subject to this Act, and shall be extended on the tax roll and collected by the officers charged with such duties in the manner and form as are other property taxes, and

When lien on personal property.

if not paid shall be a lien only on the lands against which same are levied as are other property taxes, and in the case of homesteaders who may not have made final proof on their lands, such tax shall be a lien on the personal

Prior mortgages not affected.

property of such homesteader, provided, however, that the lien on the personal property above set forth shall in no way affect mortgages covering the land in question which are of record at the time the hail insurance tax is levied."

New section to be added.

Section 2. That a new section be and the same is hereby added to Chapter 169 of the Laws of the Fifteenth

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Legislative Assembly of the State of Montana to be known as Section No. 2 (a) as follows:

Duty of State Board of Hail Insurance in making tax levy.

"Section No. 2 (a) In making the levy as provided in Section No. 2 of this Act the State Board of Hail Insurance shall provide for:

1. The payment of all expenses of administration, together with all interest owed or to be owing on registered warrants.

2. For that portion of the losses incurred during the current year which are not paid from funds drawn from the Reserve Fund.

Reserve fund to be provided for.

3. For the maintenance of a reserve fund, a part or all of which may be used in any one year for the purpose of paying the costs of administration, interest on warrants and losses as the same shall be settled and adjusted by the said Board.

Reserve fund to be provided for, how and when.

Whenever the losses together with expense and costs of administration in any one year shall amount to a less amount than the sum of eighty-five cents per acre for every acre of grain insured and a proportionate amount on hay crops, the State Board of Hail Insurance may levy such amount as they may consider proper and just for the purpose of providing a Reserve Fund, provided, however, that such levy when added to the amount necessary to pay costs of administration, interest and losses for the current year shall not exceed the sum of eighty-five cents per acre on lands sown to grain crops and a proportionate amount on hay crops and provided further that in any one year there shall not be added to the Reserve Fund an amount greater than the sum of five per cent of the total risk for that particular year and provided further that the amount of said Reserve Fund shall not exceed the sum of one million dollars. The Reserve Fund hereby created shall be a continuous fund and the State Board of Hail Insurance is hereby granted the power to draw from said fund such amounts as it may deem necessary for the purpose of paying costs of administration, interest and losses and provided further that whenever in any one year the costs of administration, interest and losses shall be less than the sum of fifty cents per acre on land sown to grain crops and a proportionate amount on hay crops the State Board of Hail Insurance shall not draw on the Reserve Fund for any purpose, unless the amount required for the payment of losses, interest on warrants and costs of administra-

Limit to amount to be raised for reserve fund in any one year.

Limit to total reserve fund.

Reserve fund to be a contingent fund.

When losses and costs are less than 50 cents per acre.

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tion shall exceed the amount of the estimate made by the State Board of Hail Insurance."

New section to be added.

Section 3. That a new Section be and the same is hereby added to Chapter 169 of the Laws of the Fifteenth Legislative Assembly of the State of Montana to be known as Section No. 2 (b) as follows:

Withdrawal of crops destroyed during year other than by hail.

"Section No. 2 (b). When any crop insured under this act shall have been destroyed by any other cause than hail, the applicant may, by furnishing the proof required by the State Board of Hail Insurance, cause the crop to be withdrawn from the regular levy of the State Board for the current year. Such proof shall be submitted before

Proofs to be submitted, when.

the first day of July in case of winter wheat and winter rye, and before the twentieth day of July in the case of spring wheat or other spring grain and if such proof is accepted the State Board shall cause a charge of ten cents

Withdrawals cannot be made, when.

per acre to be made against such claimant for all crops that are withdrawn; provided, however, that no withdrawal shall be made on any crop that has been harvested, when such crop has been harvested for grain."

Law amended.

Section 4. That Section 3 of Chapter 169 of the Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended so as to read as follows:

"Section 3. The County Treasurer in each county in the State shall collect all levies made under this act in

County treasurer to collect hail insurance tax.

the same manner as other property taxes are collected and shall keep all moneys collected by him for hail insurance in a separate fund to be known as the Hail Insurance Fund and remit same to the State Treasurer in

Disposition of funds.

the same manner as provided by law for the remittance of other moneys due the State. The County Treasurer of each county in which hail insurance taxes are levied

Separate receipts to be given for hail insurance tax.

shall issue a separate receipt covering the hail insurance tax only, said receipt to be separate from the receipt issued for general taxes. Whenever the hail insurance tax shall be paid by warrant from the State Board of Hail Insurance, the County Treasurer shall thereupon

Receipts to be executed in quadruplicate when.

issue his receipt in quadruplicate, mailing the original receipt to the tax payer and a duplicate to the State Board of Hail Insurance."

Law amended.

Section 5. That Section No. 8 of Chapter 169 of the Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended so as to read as follows:

"Section No. 8. The State Board of Hail Insurance

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shall as soon as practicable each year appoint three men in each county to appraise all losses by hail incurred under this Act in the various counties. The men so appointed shall be actively engaged in farming or shall have had practical experience in farming and shall be selected from names submitted by regularly organized farmers societies in the various counties. If the recommendations are not made as provided above, then the State Board shall select the appraisers from men actively engaged in farming or men who have had practical experience in farming as heretofore provided. Provided, further, that the State Board of Hail Insurance may call on one or more of the duly appointed appraisers for the adjustment of each and every loss and the said appraisers shall promptly report their findings to the State Board of Hail Insurance according to the rules provided by the State Board. Provided further that no appraiser who shall be a relative, attorney, agent, employee or creditor, or in any manner interested by lien, mortgage or otherwise, in the crop injured or destroyed shall assist in adjusting any such loss.

Appraisers to be appointed, when.

Qualifications.

Board may call for adjustment of all loans.

Prompt reports to be made.

Persons who shall not be appointed appraisers.

The State Board may in case of emergency appoint more than three appraisers in any county.

Additional appraisers.

Section 6. That Section No. 9 of Chapter 169 of the Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended so as to read as follows:

Law amended.

"Section No. 9. In case the party that has sustained the loss is dissatisfied with and refuses to accept the adjustments made by the official appraisers then he shall have the right to appoint one disinterested person as appraiser, and the official appraiser shall appoint another person as appraiser, and the two shall select a third disinterested person, and the three shall then proceed to adjust the loss in the same manner as specified in Section 8, and the judgment of the majority shall be the judgment of said appraisers and shall be binding upon both parties as the final determination of said loss; provided, however, that if the insured does not recover a greater sum than allowed by the official appraiser in the first instance, he shall pay the expenses of the said three appraisers and their witnesses in making said adjustment, but if he is awarded a larger sum, then the same shall be paid by the State Board of Hail Insurance out of the Hail Insurance Fund.

In case of dissatisfaction other appraisers may be appointed, how.

New adjustment of loss.

Insured to pay expenses of new appraisement, when.

If the insured shall be required to pay the expenses of

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When expense of new appraisement to be deducted from damages to be paid.

such re-appraisement as above provided, the State Board of Hail Insurance is hereby authorized to deduct the amount of such expenses from the amount allowed said insured before making settlement for said loss.

Duty of Board in adjusting losses.

The State Board of Hail Insurance shall examine all reports of appraisers and verify same, and adjust all losses, and for such purposes may order hearings, subpoena witnesses, and conduct examinations and do all things necessary to secure a fair and impartial appraisement of losses by hail.

Law amended.

Section 7. That Section No. 10 of Chapter 169 of the Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended so as to read as follows:

Duty of board to arrange for payment of losses.

"Section No. 10. The State Board of Hail Insurance shall as soon as practicable after the close of the hail season arrange for the payment of the losses as follows:

What shall be deducted from amount of loss and paid into what funds.

From the amount of the loss as adjusted for each claimant the State Board of Hail Insurance shall deduct the amount the claimant then owes as delinquent hail insurance taxes and the amount assessed as hail insurance tax for the current year. The State Board of Hail Insurance shall order the State Auditor to draw a warrant for the

Payments of losses.

amount so deducted on the State Hail Insurance Fund which warrant shall at once be remitted to the County Treasurer of the County in which the tax was assessed. The State Board of Hail Insurance shall then order the

Limit per acre of losses to be paid.

State Auditor to draw a warrant on the State Hail Insurance Fund for the balance of the adjustment which warrant shall be sent to the claimant. Provided, however,

When loss less than five per cent of value of crop.

that in no case shall the payment for losses exceed $12.00 per acre for grain crops, and $5.00 per acre for hay crops and provided further that no claimant shall receive payment for any loss incurred where said loss does not exceed five per cent of the total value of the crop insured.

When total losses exceed funds on hand.

In the event that the total losses as approved and adjusted in any year shall exceed the amount of the collections available for the then current year together with any surplus that may be on hand the State Board shall arrange for the payment of losses as follows:

Deduction for administrative purposes.

After ascertaining the total amount of tax levies available for the then current year the Board shall deduct therefrom 10% for estimated delinquent taxes and the amount estimated to be needed for the administration of this Act for the ensuing year and shall then apportion,

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pro rata, the balance of the amount levied for hail insurance among all tax payers subject to this Act who have sustained losses share and share alike based on the amount of such losses as adjusted and approved as aforesaid and shall order the State Auditor to draw warrants on the Hail Insurance Fund in settlement of such losses. Provided, further, that the State Board may at a later date make a subsequent payment for the current losses from the amount set aside for delinquent taxes whenever such delinquent taxes have finally been paid.

To pro rata losses.

May make additional payments, when.

Nothing above stated shall be construed as to prevent the State Board of Hail Insurance from establishing two classes of risks for grain or hay crops, one of which may be for one-half the amount of the other. And in the event that such class is established the rate charged shall be one-half that charged for the higher risk."

Two classes of risks may be provided.

Section 8. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1919.

CHAPTER 35.

"An Act to Amend Section 6345, 6350, 6351, 6352, 6353, 6354, 6365, 6368, 6731, 6732, 6734, 6735, of the Revised Codes of 1907 of the State of Montana, and to Add Section 6369 A to the Revised Codes of 1907 of Montana, Relating to the Drawing of Jury Panels, Juries and Jurors and the Duty of the Clerk of the Court Regarding Such Drawings."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6345 of the Revised Codes of 1907, of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Amending Section 6345, Revised Codes.

"Section 6345. Duty of Clerk. Jury Boxes. Immediately after the list has been delivered to him, the Clerk must prepare suitable ballots, by writing the name of each person so selected, as contained in the list, with his place of residence and other additions, on a separate piece of paper. The ballot must be uniform, as nearly as may be, in appearance and each ballot must thereafter be inserted in a black capsule and when all the said ballots have been so inserted, the clerk must deposit them in a box of ample

Jury boxes and manner of preparing ballots.

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size to permit said capsules to be thoroughly mixed and which said box shall be kept for that purpose and shall be known as, and plainly marked "Jury Box No. One." Said capsules may be used as often as necessary, provided, however, no capsule shall be used which is in any manner whatsoever, defaced or disfigured, or so marked that it may be recognized or distinguished from the other capsules in said jury box No. 1.

Amending section 6350, Revised Codes.

Section 2. That Section 6350 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows, to-wit:

"Section 6350. Drawing, How Conducted.—The Clerk must conduct said drawing as follows:

Method of drawing ballots from jury box.

1. He must place said box on a rod so that the same may readily revolve and he must revolve said box a sufficient number of times so as to insure that the capsules in said box have become thoroughly mixed and thereafter he must draw from said box, one at a time, as many of said capsules containing the names of jurors as are ordered by the court.

Names of jurors drawn to be entered in minutes of the court.

2. A minute of the drawing shall be entered in the minutes of the court, which must show the name on each slip of paper so drawn from said jury box.

When persons drawn are disqualified.

3. If the name of any person is drawn from said box who is deceased or insane, or who may have permanently removed from the county, or who is exempt from jury service, and the fact shall be made to appear to the satisfaction of the court, the name of such person shall be omitted from the list and the slip of paper having such name on it shall be destroyed, and another juror drawn in his place, and the fact shall be entered upon the minutes of the court. The same proceeding shall be had as often as may be necessary, until the number of jurors required shall be drawn. After the drawing shall be completed, the clerk shall make a copy of the list of names of the persons so drawn, and certify the same. In his certificate he shall state the date of the order and of the drawing, and the number of the jurors drawn, and the time when and the place where such jurors are required to appear. Such certificate and list shall be delivered to the sheriff for service."

Further drawing of names.

Certified copy of names of jurors drawn.

Amending section 6351, Revised Codes.

Section 3. That Section 6351 of the Revised Codes of 1907, of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

What ballots shall be deposited in jury box No. 2.

"Section 6351. Jury Box No. 2.—After the adjournment of the term or session at which trial jurors have

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been returned, as prescribed in the last section, the clerk must deposist the capsules containing the ballots with the names of those who attended and served, in another box kept by him, known as and marked, "Jury Box No. 2". The capsules containing the ballots with the names of those who did not appear and serve, which have not been destroyed as prescribed in Section 6350 of this Code, must be returned to the box from which they were taken."

Amending section 6352, Revised Codes.

Section 4. That Section 6352 of the Revised Codes of 1907, of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

When jurors may be drawn from jury box No. 2.

"Section 6352. Jurors, When to Be Drawn From Jury Box No. 2.—If, at the time of drawing trial jurors for a term or session there is not a sufficient number of capsules containing ballots with the names of jurors thereon remaining in the Box No. 1, the Clerk, after drawing all the capsules containing therein ballots with the names of jurors thereon, must draw the necessary number from Box No. 2, containing the names of those jurors who have before served, as prescribed in the last section; and must continue to draw from that box until new lists of jurors are provided."

Amending section 6353, Revised Codes.

Section 5. That Section 6353 of the Revised Codes of 1907, of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Jury box No. 3.

"Section 6353. Jury Box No. 3.—The clerk must keep in addition to the two boxes specified in the last two sections, a third box, known as and marked, "Jury Box No. 3", in which he must deposit capsules containing duplicate ballots with the names and the proper additions of all persons selected and returned as trial jurors, who reside in the City or Town where a trial term or session of a court of record is held, pursuant to law."

Duplicate ballots to be placed therein.

Amending section 6354, Revised Codes.

Section 6. That Section 6354 of the Revised Codes of 1907, of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Distinction of ballots in jury box No. 3 and new names to be deposited therein, when.

"Section 6354. Jurors, When to Be Drawn Therefrom.—The ballots contained in the capsules kept in Box No. 3 must be destroyed by the clerk, and new ballots must be deposited therein by him, at the same time, and under like circumstances, as prescribed in this article, with respect to the destruction of the old ballots, and the depositing of new ballots, in the first box."

Amending section 6365, Revised Codes.

Section 7. That Section 6365 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

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Grand jury, how constituted.

Must be drawn, when and how.

"Section 6365. How Constituted.—When, of the persons summoned as grand jurors competent and not excused, seven are present, they constitute the Grand Jury. If more than seven of such persons are present, the clerk must write their names on separate ballots, and place said ballots in black capsules, which said capsules shall be deposited in a box large enough to hold all of said capsules without crowding and which said box shall be so arranged that the clerk drawing said capsules from said box shall be unable to observe or see the capsule he is about to draw, and draw out seven of them, and the person whose names are on the ballots so drawn shall constitute the Grand Jury. If less than seven of such persons are present the court may order a sufficient number to be forthwith drawn from either box and summoned to attend the court. And whenever, of the persons to complete a grand jury, more attend than are required, the requisite number must be obtained by writing the names of those so summoned and not excused on ballots, which said ballots shall be placed in black capsules, and thereafter deposited in a box and then drawn as above provided.

Amending section 6368, Revised Codes.

Section 8. That Section 6368 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Calling jury for examination.

Placing names of jurors retained on panel in box.

"Section 6368. Clerk to Call List of Jurors Summoned. —At the opening of court on the day trial jurors have been summoned to appear, the clerk shall call the names of those summoned, and the court may then hear the excuses of jurors summoned. The clerk shall then write the names of the jurors present and not excused upon separate slips or ballots of paper, and fold such slips so that the names are concealed, and place said slips in black capsules and there in the presence of the court deposit the capsules containing said slips or ballots in a box large enough to hold all of said capsules without crowding and which said box shall be so arranged that the clerk drawing said capsules from said box shall be unable to observe or see the capsules he is about to draw and which said box must be kept sealed or locked until ordered by the court to be opened."

Amending section 6369A, Revised Codes.

Section 9. That there be added to the Revised Codes of 1907 of Montana, a section to be known as Section 6369-A, and which section shall read as follows, to-wit:

Judge shall examine capsules, when and for what purpose.

"Section 6369-A. Inspection of Capsules.—It shall be the duty of the judge in whose department the jurors are serving, at least once every two weeks during said jury

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term, to inspect all capsules containing ballots for the purpose of ascertaining whether such capsules are marked or defaced or have any mark of identification thereon and when any marked or defaced capsules are found the judge shall order said capsule or capsules to be replaced by others free from any mark or defacement."

Amending section 6731, Revised Codes.

Section 10. That Section 6731 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Clerk to draw capsules out of trial jury box.

"Section 6731. Clerk to Draw Capsules Containing Ballot.—When an issue of fact to be tried by a jury, is brought to trial, the clerk, under the direction of the court, must openly draw, out of the trial juror box, as many of the capsules containing ballots with the names of jurors thereon, one after another, as are sufficient to form a jury."

Amending section 6732, Revised Codes.

Section 11. That Section 6732 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Form and manner of drawing names from trial jury box.

"Section 6732. Mode of Drawing Capsule Containing Ballot.—Before the first capsule containing a ballot is drawn, the box must be closed and well shaken, so as to thoroughly mix the capsules therein; and the clerk must draw, a capsule containing a ballot with the jurors name thereon, through an aperature made in the lid of the box large enough only to admit his hand conveniently and without said clerk gazing into said box before or while drawing said capsule."

Amending section 6734, Revised Codes.

Section 12. That Section 6734 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Names of jurors sworn for trial to be placed in another box.

"Section 6734. Capsules Containing Ballots Drawn. When Deposited in Another Box.—The capsules containing the ballots with the names of the jurors so sworn, must be then deposited in another box, and there kept apart from the other capsules containing ballots with the names of jurors until that jury is discharged."

Amending section 6735, Revised Codes.

Section 13. That Section 6735 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

When jury is discharged names must be returned to what box.

"Section 6735. When to Be Returned to Box.—After the jury is discharged the capsules containing the ballots with the names of the jurors thereon must be returned to the box, from which they were first taken, and the same course must be pursued as often as an issue is brought to trial by a jury."

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Amending section 6736, Revised Codes.

Section 14. That Section 6736 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

Capsules containing names of jurors not used on panel to be returned to box.

"Section 6736. Capsules Containing Ballots of Absentees Returned to Box. The capsule containing the ballot with the name of a juror who is absent when his name is drawn or called, or is set aside, or excused from serving on that trial, must be again returned to the box containing the undrawn capsules as soon as the jury is sworn."

Amending section 6737, Revised Codes.

Section 15. That Section 6737 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

How another jury may be drawn while one jury drawn from box has not been discharged.

"Section 6737. New Jury May Be Drawn When Another Is Impaneled.—If an issue is brought to trial by a jury while a jury is impaneled in another cause, and not then discharged, the court may order a jury for the trial of that issue, to be drawn out of the box containing the capsules then undrawn; but in any other case the capsules containing the ballots with the names of all the trial jurors returned, and attending the court must be placed together in the same box before a jury is drawn therefrom."

Section 16. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 17. This Act shall be in full force and take effect from and after its passage and approval.

Approved February 21, 1919.

CHAPTER 36.

"An Act Relating to Hotels, the Sanitary Condition of Same, Providing for Their Inspection, Providing for the Appointment of an Inspector, Prescribing the Duties of Such Inspector, Giving the State Board of Health Power to Promulgate Rules and Regulations, Providing Penalties for the Violation of This Act and the Rules and Regulations Promulgated Thereunder, Creating the State Board of Health Hotel Fund, and Repealing All Acts and Parts of Acts in Conflict Therewith."

Be it enacted by the Legislative Assembly of the State of Montana:

"Hotel" defined for purpose of Act.

Section 1. Every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel or public lodging house or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, in which five

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or more rooms are used for the accommodation of such transient guests, shall maintain an office and register and for the purpose of this Act shall be deemed to be a hotel, and wherever the word hotel shall occur in this Act, it shall be construed to mean every such structure as described in this section.

Shall maintain an office and register.

Section 2. Every hotel shall be well constructed, plumbed and drained according to established sanitary principles; shall be kept clean and in a sanitary condition, free from effluvia arising from any sewer, drain, privy or other source within control of owner, manager, agent or other person in charge. All hotels in cities, towns and villages where a system of water works and sewers is maintained for public use, shall be equipped with suitable lavatories and toilet facilities, within the building, for the accommodation of its guests. The sewer must be connected with the public sewer system. Public washrooms must be supplied with clean individual towels or paper towels. Use of the common roller towel is absolutely prohibited. All hotels in cities, towns, or villages not having a public sewer system or water works, shall have properly constructed privies, vaults or other sanitary devices, which shall always be kept clean, properly ventilated and well screened from insects and rodents, and shall be provided with tight-fitting self-closing doors. All toilets or privies shall be lighted. The wall or partition between the apartments must be tight. A separate apartment with separate entrance, properly designated and screened from public view, must be provided for each sex. Where septic tanks are installed, they must be constructed according to plans approved by the State Board of Health.

Sanitary construction and conditions.

Equipment in cities, towns and villages required.

Sewers.

Washroom supplies.

Toilets and manner of keeping.

Walls and partitions.

Septic tanks.

Section 3. All bedrooms shall be kept free from vermin, and the bedding shall be clean and sufficient in quantity and quality; all sheets shall be at least eight feet long; each guest shall at all times be furnished with two clean towels; in case bedrooms are carpeted, the carpet or carpets thereon shall be taken up and thoroly cleaned at least once each year; and in all hotels where fifty cents or more per night is charged for lodging, the sheets and pillow cases shall be changed after the departure of each guest.

Bedrooms, bedding and towels.

Carpets.

Change of sheets and pillow cases.

Section 4. No rusted tin or iron vessel or utensil shall be used in cooking food, and all food stuffs shall be kept in a clean and suitable place, free from dampness and contamination; the closets, cupboards, refrigerators and

Cooking utensils.

Kitchens and dining-rooms.

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the floors and walls of all kitchens and dining rooms shall be, at all times, kept free from dirt, and no dust or greases shall be allowed to collect thereon.

Ashes.

Section 5. No ashes from any hotel shall be dumped or kept in or adjacent thereto, or in any outhouse connected with any hotel unless the same be placed in a tight metal container with a tight metal lid kept thereon, or be disposed of in such manner as to eliminate any possibility of fire and public nuisances.

Fumigating of rooms and bedding in case of contagious disease.

Section 6. Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the said room shall be thoroly fumigated under the direction of the Health Officer, and all bedding therein thoroly disinfected, before said room shall be occupied by any other person; but, in any event, such room shall not be let to any person for at least twenty-four (24) hours after such fumigation, or disinfection.

State Board of Health to adopt rules and regulations.

Section 7. The State Board of Health shall adopt all needful rules and regulations for the thoro and uniform enforcement of the provisions of this Act thruout the State.

Power to appoint assistants.

Section 8. It shall be the duty of the State Board of Health and it shall have power, jurisdiction and authority to engage or appoint such assistants or inspectors as may be needed in enforcing the provisions of this Act and the rules and regulations as provided for under Section 7 of this Act. Such inspectors or appointees shall possess such qualifications as the State Board of Health may determine are necessary to successfully carry on the work. The State Board of Health shall also fix their compensation and shall assign to them their duties.

Qualifications and compensation of inspectors.

Certificate of inspection.

Section 9. If the Inspector shall find, after the examination of any hotel that the provisions of this Act and the rules and regulations of the State Board of Health adopted in conformity therewith have been fully complied with he shall issue a certificate to the effect to the person operating the same, and said certificate shall be posted in a conspicuous place in said inspected building.

Posting.

Inspector shall file complaint in cases where Act is violated.

Duty of county attorney.

Section 10. It shall be the duty of the inspector, upon ascertaining by inspection or otherwise, that any hotel or other place or thing required or allowed by this Act to bei nspected, is being carried on contrary to the provisions of this Act, to make complaint and cause the arrest of the person so violating the same, and it shall be the duty of the county attorney in such case to prepare all necessary

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papers and conduct such prosecution. Provided, however, that no prosecution shall follow until such time as the person conducting or operating such hotel, public inn or lodging house, has been notified wherein such hotel, public inn or lodging house fails to meet the requirements of this Act or the rules and regulations of the State Board of Health, and such time to remedy the failure as the State Board of Health or its representatives may rule.

No prosecution to follow, until when.

Section 11. All moneys collected for fines under this Act shall be turned over to the State Treasurer who shall deposit them to the Credit of the State Board of Health Hotel Fund. Said fund shall be used by the State Board of Health to enforce and carry out the provisions of this Act, and the State Auditor shall draw his warrant for claims against this Fund after such claims have been approved by the State Board of Examiners.

Fines to be credited to what fund.

Funds to be used for what purpose.

Section 12. It shall be the duty of every person conducting or operating a hotel, public inn or lodging house to have available at all times in the lobby, office or other convenient place, an ample supply of drinking water, pure and free from contamination. The source of supply must be far enough removed from privy vaults or other means of contamination to prevent drainage from said vaults to the wells or other source of supply, and the water supply shall be subject to examination by the State Board of Health and when found unfit for drinking purposes, its use must be discontinued forthwith.

Drinking water.

Section 13. Each owner, manager, agent or person in charge of a hotel, or other business mentioned in this Act, who violates any provisions of this Act shall be deemed guilty of a misdemeanor and shall be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or shall be imprisoned in the County Jail for not less than ten (10) days, nor more than three (3) months, or both, and every day that such hotel is carried on in violation of this Act shall constitute a separate offense.

Misdemeanor and penalty.

Section 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 15. This Act shall be in full force and effect from and after July 1st, 1919.

Approved February 21, 1919.

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CHAPTER 37.

"An Act to Amend Section 3837 of the Revised Codes of the State of Montana of 1907, Relating to the Liability of Directors of Corporations."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section 3837, Revised Codes.

Section 1. That Section 3837 of the Revised Codes of the State of Montana of 1907 be, and the same is hereby, amended to read as follows, to-wit:

Directors of corporations shall not pay dividends except from profits.

"Section 3837. **Dividends to Be Made from Surplus Profits.**—The directors of corporations must not make dividends, except from the surplus profits arising from the business thereof; nor must they divide, withdraw or pay to the stockholders, or any of them, any part of the capital stock; nor must they reduce or increase the capital stock, except as hereinafter specially provided. For a violation of the provisions of this section, the directors under whose administration the same may have happened (except those who may have caused their dissent therefrom to be entered at large in the minutes of the directors at the time, or were not present when the same did happen) are, in their individual and private capacity, jointly and severally liable to the corporation and to the creditors thereof, in the event of its dissolution, to the full amount of the capital stock so divided, withdrawn, paid out or reduced; and no statute of limitations is a bar to any suit against such directors for any sums for which they are made liable by this section. There may, however, be a division and distribution of the capital stock of any corporation which remains after the payment of all its debts, upon its dissolution or the expiration of its term of existence."

Not to reduce or increase capital stock, except when.

Liability of directors violating Act.

No limitation.

When capital may be distributed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 21, 1919.

CHAPTER 38.

"An Act Providing for the Establishment of Americanization Schools in the Several School Districts of the State."

Be it enacted by the Legislative Assembly of the State of Montana:

Establishment of Americanization Schools.

Section 1. The Board of Trustees of the several School Districts in the State of Montana are hereby vested with power and authority to establish and maintain American-

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ization Schools for all mentally normal persons over the age of sixteen (16) years, in which Schools there shall be taught the following subjects: Reading and writing the English language, American History and Principles of Citizenship, and any other school subjects which the School Trustees deem necessary for the Americanization of the students enrolled. Course of study.

Section 2. In Districts of the First (1st) and Second (2nd) Class having a Superintendent of Schools of the District, the course of study shall be approved by such Superintendent of Schools. In all other Districts, the course of study shall be approved by the County Superintendent and the Superintendent of Public Instruction. By whom course of study to be approved.

Section 3. The Board of Trustees of any two (2) or more School Districts may combine in establishing and maintaining such Americanization School, and the expenses thereof shall be borne by such School Districts in proportion to the number of students enrolled from each District. Mode of creation. Expenses, how borne.

Section 4. The expenses of such Americanization Schools shall be paid out of the funds provided for by Section 2002 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly. Maintenance.

Section 5. The Board of Trustees of any School District is hereby authorized to perform any and all acts which may be encessary for the purpose of carrying this Act into effect, and for the further purpose of obtaining the benefits of any appropriation which may be made by the Federal Government for similar purposes. Powers of Board of Trustees.

Section 6. All Acts, and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1919.

CHAPTER 39.

"A Bill Granting Powers to Counties and to Counties Jointly with Cities or Towns, to Establish Cemeteries and Acquire Lands for Said Purpose."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Board of County Commissioners of any County within the State of Montana is hereby given jurisdiction and power to establish and conduct cemeteries outside of the corporate limits of any city or town, and to acquire lands for said purpose, by purchase, Cemeteries outside corporate limits. Powers of Board of County Commissioners.

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condemnation, gift, or devise, and also to acquire by purchase, condemnation, gift, or devise, cemeteries already established and conducted by persons, firms, or corporations other than municipal corporations; and are also given jurisdiction and power to establish and conduct cemeteries jointly with any incorporated city or town in such county, and jointly with any incorporated city or town, to acquire and conduct cemeteries already established or conducted by any person. firm, or corporation other than municipal corporations. Provided that nothing herein contained will permit the interment of bodies of deceased persons in any such cemetery so condemned and taken over, as are, under the articles of incorporation or by-laws of such cemetery association or corporation debarred from burial therein.

Joint conduct of cemeteries.

Prohibition as to interments.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect after its passage and approval.

Approved February 21, 1919.

CHAPTER 40.

"An Act Providing for the Eradication of Harmful Barberry and Extending the Provisions of the Act to Mahonia in Case of Necessity; and Defining the Powers and Duties of the State Board of Horticulture."

Be it enacted by the Legislative Assembly of the State of Montana:

Harmful barberry.

Section 1. That it shall be unlawful for any person, firm or corporation to sell, offer for sale, barter, give away, exchange, deliver, ship, transport, receive or accept for shipment or transportation, plant or permit to exist on his or its premises in the State of Montana any plant of the harmful barberry.

Duty and power of State Board of Horticulture to exterminate.

When owner of land fails or refuses to eradicate.

Section 2. It shall be the duty of the state board of horticulture or its duly authorized inspectors to enforce the provisions of this act and they are hereby empowered to cause to be eradicated any such harmful barberry plants found growing anywhere in the state. If the owner of the land on which such harmful plants are found growing, shall fail or refuse to eradicate such plants within ten (10) days after receiving a written notice to that effect from a horticulture inspector said inspector shall proceed to have such harmful barberry plants eradicated and destroyed wherever they may be found growing. As soon as the horticultural inspector has had such harmful

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barberry plants eradicated and destroyed he shall make out a statement in duplicate of the actual cost and expense incurred by him in eradicating or destroying such harmful barberry plants. One of such statements shall be transmitted to the land owner affected by the work and the other shall be filed in the office of the treasurer of the county wherein such land is situated. The treasurer shall place such amount so indicated in such statement on the tax duplicate against the land of the land-owner affected by such work and such amount so entered shall be collected in the same manner and at the same time as taxes are collected, and when so collected shall be paid by the treasurer to the state board of horticulture, which shall remit to state treasurer to be added to the appropriation for the use of the state board of horticulture.

Statement of costs and expenses incurred in eradicating.

Amount of expenses to be entered on tax duplicate and collected how.

Disposition of tax collected.

Section 3. The term "harmful barberry" as used in this act shall be construed to apply to any species of Berberis and as hereinafter provided for, to Mahonia, which are susceptible to infection by **Puccinia graminis,** commonly called black stem rust of grain, (but not including Japanese barberry, **B, thunbergii** which does not propagate the rust.)

"Harmful barberry" defined.

Section 4. The state board of horticulture is hereby empowered to apply the provisions of this act to species of Mahonia whenever in its judgment the necessity arises.

Provision of Act to be applied to Mahonia.

Section 5. Any person, firm or corporation which shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not less than ten dollars ($10.00) and not more than twenty-five dollars ($25.00) for each offense.

Misdemeanor.

Penalty.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1919.

CHAPTER 41.

"An Act to Amend Section 1290 of the Montana Codes, Relating to Qualifications for Admission into the Soldiers' Home and Providing for the Admission of Soldiers, Sailors and Marines Who Served in the War Between the United States and the Imperial German Government, and Who Served During the Boxer Troubles in China, the Several Insurrections in the

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Philippine Islands, and During the Troubles with the Peoples of Mexico."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1290, Revised Codes, 1907, amended.

Section 1. That Section 1290 of the Montana Codes be amended to read as follows:

Persons eligible to admission to Soldiers' Home.

Any soldier, sailor or marine, who sereved in the army or navy of the United States during the late Civil War, or in the Mexican War, or during any troubles between the United States and the Government of Mexico, or the people of Mexico, or in the late war with Spain, or in any insurrection in the Philippine Islands, or during the Boxer troubles with China, or who within the borders of the Territory of Montana served in the Sioux War of 1876 or the Nez Perce War of 1877, or during the war with Germany and Austria, or who served in Russia, Siberia or any other foreign country during the war with Germany and Austria, or who while a citizen of the United States served in the Army or Navy of any of the Allies of the United States and has returned to and lives in Montana, or during any troubles arising or growing out of any such war or wars and has received honorable discharge therefrom, who at the time of admission is an invalid by reason of disease contracted, wounds received, or by reason of other disability, shall be eligible to admission to the benefits of the home under the rules and regulations prescribed by the board of managers thereof on the certificate of disability by a county commissioner and the county physician of the county in which the applicant may reside; and the transportation of such applicant to the said Soldiers' Home shall be a proper county charge and be paid by said county if the applicant is unable to pay the same. Provided, that the benefits of said home shall not be extended to anyone who has not resided within the State of Montana for a period of one year next preceding the date of his application, or to anyone who has not resided within the county from which he asks to be sent to the home for the period of three months from the date of his application, nor to anyone convicted of a felony or of a crime involving moral turpitude, nor shall anyone who has been an habitual drunkard be received without sufficient evidence of subsequent good conduct and reformation of character as may be satisfactory to the said board of managers. Provided further that in case said Soldiers' Home shall not have the capacity to receive all persons designated here, that

Transportation of indigent applicants.

Requirements as to residence.

Persons barred.

Veterans of Civil War to be preferred, when.

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veterans of the Civil War shall have preference as to admission.

Section 2. This act shall take effect and be in force fro mand after its passage and approval.

Approved February 21, 1919.

CHAPTER 42.

"An Act to Amend Chapter 62 of the Session Laws of the Fifteenth Legislative Assembl yof the State of Montana, Entitled, "An Act Regulating the Running at Large of Bulls on Public Ranges or National Forest Reserves in the State of Montana and Providing Penalties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 62 of the Session Laws of the Fifteenth Legislative Assembly of the State of Monbe and the same is hereby amended to read as follows: Law amended.

"Section 1. It shall be unlawful for any person or persons, firm, company or corporation to turn upon, or allow to run at large on the public highways, open range or National Forest Reserve within the State of Montana any bull other than a pure bred bull of a recognized beef type. Forbidding the running at large of any bull other than pure breds.

Section 2. Any person or persons, firm, company or corporation allowing or permitting female breeding cattle to run at large upon the public ranges or National Forest Reserves in the State of Montana must place upon said range or National Forest Reserve one pure bred bull of a recognized beef type, not less than 15 months nor more than 8 years of age, for every 30 head of female breeding cattle, pastured upon such range or National Forest Reserve; provided, however, that any two or more such users of the public range or National Forest Reserve may join together in furnishing such bull when the aggregate number of female breeding cattle turned loose upon the same range or National Forest Reserve by such two or more users thereof does not exceed 30 head. Who may permit certain pure bred bulls to run at large. Age of bulls so permitted. When two or more users of public range may join in furnishing the bull.

Section 3. Any person or persons, firm, company or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and punishable by a fine of not less than Twenty-five ($25.) Dollars nor more than Two Hundred Fifty ($250.) Dollars. Misdemeanor. Penalty.

Section 4. Any bull found running at large on the open range or National Forest Reserve in violation of the When bull may be caught and castrated.

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When owner of pure bred bull must be first notified.

provisions of this Act may be caught and castrated by any person finding such a bull. Provided any pure bred dairy bull found running at large may be taken up and party holding bull shall notify the owner in person, and if the owner of such bull does not take possession of said bull within twenty-four hours after being notified, party holding such bull may castrate him.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after April 1st, 1919.

Approved February 21, 1919.

CHAPTER 43.

"An Act to Amend Section 1101 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana; Relating to the Attendance in Public Schools by Children Under Sixteen Years of Age."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 1101 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows: "Section 1101. **Employment of Children Under Sixteen Prohibited.**"

Forbidding the employment of children under 16 years of age, when.

No child under sixteen years of age shall be employed or be in the employment of any person, firm, company or corporation during the school term and while the public schools, are in session in the district in which such child lives, unless such child shall present to such persons, firm, company or corporation an Age and Schooling Certificate.

Age and schooling certificate to be issued, by whom and when.

An Age and Schooling Certificate shall be issued by the City Superintendent of Schools or Principal of schools. or by some person duly authorized by him, and in districts not having a city superintendent or principal by the County Superintendent of Schools, upon satisfactory proof that such child is of the age of sixteen years or over,

When certificate may be issued to child over 14 years of age.

or that such child has successfully completed the eighth grade as the same is designated and determined by the State Board of Education; Provided. however, that in case the wages of any child over fourteen years of age are necessary to the support of the family of such child. the City Superintendent of Schools, or Principal of schools. or County Superintendent, as the case may be,

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may upon production of satisfactory evidence that the wages of such child are necessary to the support of the family, issue a certificate permitting the employment of such child. The Age and Schooling Certificate shall be formulated by the Superintendent of Public Instruction and blank certificates furnished by the clerk of the Board of Trustees. Every person, firm, company, or corporation employing any child under sixteen years of age shall exact the Age and Schooling Certificate, or the certificate permitting the employment of such child, prescribed in this section, and shall upon the request of the truant officer or other authorized person by school trustees, permit him to examine such Age and Schooling Certificate. When, however, employment of such child ceases, the employer shall promptly return to the City Superintendent of Schools, or Principal of schools, or County Superintendent of Schools of such district where said child resides, the Age and Schooling Certificate or certificate permitting the employment of such child. Any person, firm, company or corporation employing any child contrary to the provisions of this chapter shall be fined not less than twenty-five ($25.00) dollars nor more than Fifty ($50.00) dollars for each and every offense. Provided, however, that nothing in this Act shall be construed to interfere with the employment of a child during the time school is not actually in session.

Form of certificate.

Duty of persons employing child under 16 years of age.

Certificate to be returned, when and to whom.

Penalty for violating this Act.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1919.

CHAPTER 44.

"An Act to Amend Sections 9, 49, 98, 100, 101, and to Repeal Sections 9, 11 and 102, of Chapter 152 of the Laws of the Fifteenth Legislative Assembly Providing for the Commission-Manager Form of Government for Cities and Towns, Whereby Groups of Communities Containing One or More Incorporated Cities or Towns May Be Organized in a Single Municipal District Under Said Act: and to Add to Said Chapter 152 Four Sections to Be Known as Sections 121 to 124 Inclusive, Relative

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to the Name and Finances of Municipal Districts so Formed."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 9 of Chapter 152 of the Laws of the Fifteenth Legislative Assembly be amended so as to read as follows:

Organization and annexation of new communities.

"Section 9. Whenever the inhabitants of any community or group of communities in any county, whether separtely incorporated in whole or in part, or unincorporated, which are situated in such proximity or location with reference to each other as to make single municipal control necessary or desirable, shall desire to be organized into or annexed to an incorporated city or town under the provisions of this act, the Board of County Commissioners of such county may or upon the presentation of a petition signed by not less than twenty-five per cent of the qualified electors in such community or group of communities must issue a proclamation ordering a special election to be held, at which election the question of the organization of such community or group of communities as a municipality under the provisions of this act shall be submitted to the qualified electors within the proposed municipal district. Said proclamation shall specify the time when and the places where such election shall be held, which must be within ninety days from the date of filing such petition, and shall define the boundaries of said proposed municipal district, which shall include all such communities and cities and such additional adjacent territory as shall in the judgment of the Board of County Commissioners provide for future urban growth.

Duty of county commissioners.

Special election proclamation.

Contents of proclamation.

If a majority of the legal voters at said election vote in favor of the organization of such municipal district, or in favor of annexation to an incorporated city or town, then the Board of County Commissioners shall declare the result of said elections and immediately thereafter shall give notice for thirty days in a newspaper published within the proposed municipal district, or if none be published therein by posting notices in six public places within the limits of the said district, of the time and place or places of holding the first election for commissioners of such municipal district under this law. At such election all electors qualified by the general election laws of the state who have resided within the limits of the Municipal district for six months are qualified electors. The Board of County Commissioners must appoint judges and clerks of election and canvass and declare the result

Declaration of result.

Notice of election for commissioners.

Qualified electors, who are.

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thereof. The election must be conducted in the manner prescribed by law for the election of county officers and the commissioners so elected must qualify in the manner prescribed by law for county officers."

Conduct of election.

Section 2. That Section 49 of Chapter 152 of the Laws of the Fifteenth Legislative Assembly be amended so as to read as follows:

Law amended.

"Section 49. The salary of each commissioner shall be as follows: for each meeting attended, cities or towns with less than 25,000 inhabitants, Five Dollars ($5.00), cities with more than 25,000 inhabitants, not to exceed Ten Dollars ($10.00); provided, that not more than one fee shall be paid for any one day. The salary of the commissioner acting as mayor shall be one and one-half times that of the other commissioners.

Salary of commissioners.

Section 3. That Section 98 of Chapter 152 of the Laws of the Fifteenth Legislative Assembly be amended to read as follows:

Law amended.

"Section 98. The Commission shall have all powers to grant rights to occupy or use the streets, highways, birdges or public places in the municipality that now are, or hereafter may be, granted to municipalities by the Constitution or Laws of Montana. Every ordinance or resolution passed by the Commission granting the right to occupy or use streets, highways, or public places of municipalities shall be complete in the form in which it is finally passed, and remain on file with the Commission for inspection by the public for at least one week before the final adoption or passage thereof."

Powers of Commission.

Section 4. That Section 100 of Chapter 152 of the Laws of the Fifteenth Legislative Assembly be amended so as to read as follows:

Law amended.

"Section 100. No exclusive grant or renewal shall ever be granted and no grant shall be renewed before two years prior to its expiration."

Exclusive grants or renewals prohibited.

Section 5. That Section 101 of Chapter 152 of the Laws of the Fifteenth Legislative Assembly be amended so as to read as follows:

Law amended.

"Section 101. The Commission shall, in any ordinance granting or renewing any grant to contruct and operate a public utility, prescribe the manner in which the streets and public grounds shall be used and occupied."

Limitation upon grants of public utilities.

Section 6. That there be added to said Chapter 152 four sections numbered 121 to 124 inclusive, as follows, to-wit:

Additional sections added to law.

"Section 121. Whenever any group of communities

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Co-ordinate powers of commissioners.

shall become a single municipal district under the provisions of this law, the commissioners elected at the first election shall have the same functions and authority and municipal procedure in all respects shall be the same as is provided in this law where single communities, cities or towns adopt the commission-manager form of Government, and the terms of all municipal officers in any prior city or town which may be included in such new municipal district shall in like manner cease and terminate as soon as the commissioners shall by resolution so declare, and the corporate functions and existence of any such prior municipal corporation may in like manner be terminated by said commissioners when the need for the further existence of such prior corporation shall be at an end."

Cessation of corporate functions.

"Section 122. Whenever any group of communities, including one or more incorporated cities or towns, shall become a single municipal district under this law, such municipal district shall bear the same name as the principal incorporated city or town in such district."

Name of new municipal district.

"Section 123. Whenever any group of communities, including one or more incorporated cities or towns, shall become a single municipal district under this law, the corporate property of each such city or town shall become the property of the new municipality, but improvements paid for in whole or in part by special assessments upon abutting property within special improvement districts shall not be deemed municipal property within the meaning of this law, to the extent of payments so made. If such prior city or town shall have an unpaid indebtedness, the commissioners of said new municipality elected at the first municipal election shall inventory and appraise, or cause to be inventoried and appraised, all of such property, and if the amount of the indebtedness of such prior city or town shall exceed the inventory value of the property surrendered to the new municipality by such prior city or town, then the excess of such indebtedness over the inventory value of said property shall be a charge only against the taxable property within the limits of such prior city or town and shall be paid by levy upon such property alone."

Property vests in new municipality.

Improvements payable by special assessments.

Unpaid indebtedness of old municipalities.

"Section 124. Whenever any city organized under this Act includes the county seat of the county in which it is situated, any unused space in the county buildings in such city may be rented to the city commissioners for municipal use by the board of county commissioners for

Rental of county buildings.

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such rent as shall represent an income of not more than six per cent upon the investment in such buildings proportionate to the space rented. Such commissioners may also contract with the board of county commissioners for the performance by county officials or employees of any kind of municipal work which can be feasibly performed by them. The compensation for such work shall be based upon additional cost of the county of its performance, and such compensation shall be paid into the general fund of such county unless otherwise provided by law."

Contracts with county commissioners for municipal work.

Rate of compensation.

Section 7. Section 9, as originally enacted, and Section 11 and 102, of Chapter 152 of the laws of the Fifteenth Legislative Assembly are hereby repealed, and eliminated from said Act.

Sections repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 26, 1919.

CHAPTER 45.

"An Act to Amend Section 7153, Revised Codes of Montana, 1907, Relating to Compensation of Attorneys."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7153 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Amending section 7153, Revised Codes.

"Section 7153. The measure and mode of compensation of attorneys and counselors at law is left to agreement, express or implied, of the parties, except that in probate proceedings the court may fix and allow the compensation of attorneys representing administrators, executors, guardians and trustees, and agents appointed by the court. But parties to actions or proceedings are entitled to costs and disbursements as hereinafter provided."

Attorney's fees to be fixed by court, when.

Costs and disbursements.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1919.

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CHAPTER 46.

"An Act to Amend Section 7649 of the Revised Codes of Montana, 1907, Relating to Settlement of Accounts of Executors and Administrators."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section 7649, Revised Codes.

Section 1. That Section 7649 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Settlement of the account of an executor or administrator conclusive, when.

"Section 7649. Settlement of accounts to be conclusive, when and when not—The settlement of any account and the allowance thereof by the court or judge, or upon appeal is conclusive against all persons in any way interested in the estate, saving however, to all persons laboring under any legal disability, the right to move for cause to reopen and examine the account, or to proceed by action against the executor or administrator, either individually or upon his bond, at any time before final distribution, and in any action brought by any such person, the allowance and settlement of the account is **prima facie** evidence of its correctness; Provided, the court may, upon motion of any party interested or upon its own motion, within sixty (60) days, after the rendition of the decree in cases of inadvertence or within 60 days after the discovery of the facts constituting the fraud, reopen or set aside any decree of any settlement on the grounds of inadvertence or fraud."

Persons who may move to reopen such account or proceed against administrator.

Settlement prima facie evidence of what.

When court may, upon motion, set aside any decree of settlement upon grounds of inadvertence or fraud.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved February 26, 1919.

CHAPTER 47.

"An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 15 of Article XII of the Constitution as Amended; Creating County Boards of Equalization, and a State Tax Commission, and Defining their Powers and Duties."

Be it enacted by the Legislative Assembly of the State of Montana:

Referendum. Constitution, proposed amendment to Section 15, Article XII.

Section 1. That Section 15 of Article XII of the Constitution of the State of Montana, as amended, be amended as hereinafter provided, and that the question of said amendment be submitted to the qualified electors of the State of Montana at the next general election.

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Secion 2. That Section 15 of Article XII of the Constitution as amended, be, and the same is hereby amended to read as follows:

"Section 15. The board of county commissioners of each county shall constitute the County Board of Equalization. The duties of such boards shall be to adjust and equalize the valuation of taxable property within their respective counties, and all such adjustments and equalizations may be supervised, reviewed, changed, increased or decreased by the Montana Tax Commission. The Montana Tax Commission shall be composed of three members who shall be appointed by the Governor, by and with the advice and consent of the Senate. A majority of the members of the Montana Tax Commission shall constitute a quorum. The term of office of one of the commissioners first appointed shall end on March 1st, 1923; of another first appointed on March 1st, 1925: and of the third first appointed on March 1st, 1927. Each succeeding commissioner shall hold his office for the term of six years, and until his successor shall have been appointed and qualified. In case of a vacancy, the person appointed to fill such vacancy shall hold office for the unexpired term in which the vacancy occurs. The qualifications and salaries of such commissioners shall be as provided by law, provided, however that the salary of each commissioner shall not be less than five thousand dollars ($5,000.00) per annum. The commission shall adjust and equalize the valuation of taxable property among the several counties, and the different classes of taxable property in any county and in the several counties and between individual tax-payers; classify property for the purpose of taxation and provide the percentum of value of each class as the basis for taxation where a classification has not been made and a percentum of the valuation provided by law: supervise and review the acts of the county assessors and county boards of equalization; change, increase or decrease valuations made by county assessors or equalized by county boards of equalization; make the assessment and apportionment provided for in Section 16 of Article XII and the special levy required by Section 9 of said Article, as amended; exercise such authority and do all things necessary to secure a fair, just and equitable valuation of taxable property among the counties between the different classes of property and between individual taxpayers. Said commission shall also

County Board of Equalization, duties.

Montana Tax Commission, appointment.

Quorum.

Terms of office.

Vacancies.

Qualifications and salaries.

Duties and powers.

Classification of property.

Supervisory and other powers and duties.

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have such other powers, and perform such other duties relating to taxation as may be prescribed by law.

Ballots, form of.

Section 3. Separate official ballots shall be used at the general election to be held in November, 1920, which shall have printed thereon the words: "For the amendment to the constitution providing for the creation of County Boards of Equalization, and a State Tax Commission, and defining their powers and duties," and the words: "Against the amendment to the constitution providing for the creation of County Boards of Equalization and a State Tax Commission and defining their powers and duties," and each elector shall designate a preference for either of the provisions by marking an X before the proposition for which such elector desires to vote.

Marking of ballots.

Canvass of vote.

Section 4. The votes cast for and against the amendment above proposed shall be canvassed and determined as provided by the general election laws of the State of Montana.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 28, 1919.

CHAPTER 48.

"An Act Prescribing the Powers and Duties of the State Board of Equalization and Repealing Sections 2584 to 2592, inclusive, of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Equalization, powers and duties.

Section 1. The powers and duties of the State Board of Equalization are as follows:

Own rules.

Subdivision 1. To prescribe rules for its own government and for the transaction of its business.

Rules governing County Board of Equalization.

Subdivision 2. To prescribe rules and regulations not in conflict with the constitution and laws of the State of Montana to govern county Boards of Equalization, and the assessors of the different counties in the performance of their duties.

Forms.

Subdivision 3. To prepare and enforce the use of forms in relation to the assessment of property.

Meetings.

Subdivision 4. To hold meetings at the State Capitol as prescribed by its rules, and such special meetings as the president of the board may direct.

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Assessment of railroads.

Subdivision 5. To annually assess the franchise, roadway, roadbed, rail and rolling stock and all other property of all railroads, and the pole lines and rights of way and all other property of all telegraph and telephone lines, electric power and transmission lines, ditches, canals and flumes, and other similar properties, constituting a single and continuous property operated in more than one county in the state, and to apportion such assessments to the counties in which such properties are located on a mileage basis. Provided, however, that lots and parcels of real estate, not included in right of way, with the buildings, structures, and improvements thereon, dams and power houses, depots, stations, shops and other buildings erected upon right of way, furniture, machinery and other personal property shall not be considered as a part of any such single and continuous property, but shall be considered as separate and distinct therefrom and shall be assessed by the county assessor of the county wherein they are situate.

Telegraph and telephone, electric power lines, ditches, canals, etc.

Apportionment among counties.

Property not included in right-of-way of single and continuous property.

Transmitting assessments to county clerks.

Subdivision 6. To transmit to the county clerk of each county its apportionment of all assessments made by such board.

Time and place of meeting.

Subdivision 7. To meet at the State Capitol on the fourth Monday in July and remain in session from day to day (Sundays and holidays excepted) until the third Monday of August, and later if the business of the board requires, and at such meetings adjust and equalize the valuation of taxable property among the several counties, and the different classes of taxable property in the same and in the several counties and between individual tax-payers; supervise and review the acts of the county assessor and the county boards of equalization; change, increase or decrease valuation made by county assessors or equalized by the county boards of equalization, and exercise such authority and do any and all things necessary to secure a fair, just and equitable valuation of taxable property among the counties and between the different classes of property and individual taxpayers; provided, however, that no change shall be made in the assessment of the property of any individual taxpayer as made by any assessor, or as adjusted and equalized by any county board of equalization without first notifying the taxpayer whose assessment is proposed to be changed by a letter deposited in the post office, postpaid and addressed to the taxpayer at least ten days before

Duties at meeting.

Supervisory powers and duties.

Notice to individual taxpayer before changing his assessment.

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action is taken of the day fixed when the matter will be investigated.

Visitations.

Subdivision 8. To visit as a board, or by the individual members thereof, the several counties of the state, whenever deemed necessary, for the purpose of inspecting the property and learning the value thereof.

Power to procure evidence.

Subdivision 9. To call before it, or any member thereof, on such visit, and officers of the county, and to require them to produce any public records in their custody; to issue subpoenas for the attendance of witnesses or production of books before the board, or any member thereof; which subpoenas must be signed by a member of the board and may be served by any person.

Furnish legislature with information.

Subdivision 10. To furnish to the legislative assembly such information as may be requested by such legislative assembly, or either house, or any committee of either house.

Records.

Subdivision 11. To keep a record of all its proceedings.

Clerical assistant.

Subdivision 12. To appoint a clerk who must assist the secretary of the board and perform such other duties as the board may require and who shall hold office during the pleasure of the board.

To demand information from party assessed.

Subdivision 13. To require of any person, firm or corporation against whom the assessment of any property required to be assessed by said board is made, such information as may be necessary or desired by said board for the purpose of making such assessment.

Appeals to State Board of Equalization.

Section 2. Any person, firm or corporation aggrieved by the action of any county board of equalization may appeal to the State Board of Equalization by filing with the county board a notice of appeal, and a duplicate thereof with the State Board of Equalization within five days after the action of said county board, which notice shall specify the action complained of, and the reasons assigned for such complaint. The state board may require the county board to certify the minutes of its proceedings resulting in such action, and all testimony taken in connection therewith, and may reverse, modify or affirm the action complained of.

Changes in assessments to be transmitted to whom.

Section 3. The secretary of the board shall transmit to each county clerk a statement of the changes made by the board in the assessment book of the county, or any assessment contained therein, which shall be prima facie evidence of the regularity of all proceedings of

Prima facie evidence.

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the board resulting in the action which is the subject matter of the statement.

State tax levy to be determined and made, when and how.

Section 4. Between the first and third Monday in August of each year the board must determine the rate of state tax to be levied and collected upon the assessed valuation of the property of the state which, after allowing twelve per cent for delinquencies in the cost in collection of taxes, must be sufficient to raise the specific amount of the revenue required by the legislative assembly for state purposes. The board must immediately thereafter transmit to the county clerk of each county a statement of such rate, and upon its receipt, the county clerk must, in writing, notify the State Board of Equalization thereof.

Penalty for disobeying subpoena or rules prescribed by the Board.

Section 5. Every person served with a subpoena who fails or neglects without just excuse to obey it, and every officer who refuses to obey the rules and regulations prescribed by the board, or to perform the duties prescribed therein, shall forfeit to the State of Montana, five hundred ($500.00) dollars, to be recovered by action in the name of the state, which action may be commenced and tried in any county of the state.

Administration of oaths.

Section 6. The secretary, or any member of the board may administer and certify oaths.

Expenses.

Section 7. Each member o fthe board is entitled to repayment for actual expenses incurred by him while traveling in discharge of his duties, and all money paid out for necessary clerical work, stationery and postage stamps, to be audited and allowed by the State Board of Examiners.

Repealing Sections 2584 to 2592, Revised Codes.

Section 8. Sections 2584 to 2592, inclusive, of the Revised Codes of Montana of 1907 and all acts or parts of acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

CHAPTER 49.

"An Act Relating to the Assessment and Taxation of Telephone, Telegraph, Electric Power and Transmission Lines, Canals, Ditches, Flumes and other Property owned or operated in more than one County of the

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State and Constituting a single and continuous Property throughout more than one County."

Be it enacted by the Legislative Assembly of the State of Montana:

Statement to be furnished to State Board of Equalization by telegraph, telephone and other corporations named.

Section 1. The president, secretary, or managing agent, or such other officer as the State Board of Equalization may designate, of any corporation, and each person or association of persons owning or operating a telegraph, telephone, electric power or transmission line, canal, ditch, flume, or other property other than real estate not included in right of way, and which constitutes a single and continuous property throughout more than one county, must on or before the first Monday of March in each year furnish the State Board of Equalization a statement, signed and sworn to by one of such officers, or by the person, or one of the persons forming such association, showing in detail for the year ending on the first Monday of March each year, as follows:

Description of property in and out of state.

1. The whole number of miles of said property in the state, and where the property is partly out of the state, the whole number of miles without the state and the whole number of miles within the state owned or operated by such corporation, person or association.

2. The total value of the entire property and plant both within and without the state and the total value of that portion of the same within the state.

3. A complete description of the property within the state, giving the points of entrance into and the points of exit from the state, and the points of entrance into and the points of exit from each county, with a statement of the total number of miles in each county in the state.

4. Such other information regarding such property as may be required by the State Board of Equalization.

Statement of county assessor to be furnished to State Board of Equalization.

Section 2. The County Assessor of every county must, on the second Monday in July of each year, transmit to the State Board of Equalization a statement showing:

1. The name and address of each corporation, person and association owning or operating any telegraph, telephone, electric power or transmission line, canal, ditch, flume or other similar property in more than one county of the state, whose property or any part thereof, has been assessed by such county assessor.

2. A complete description of all such property assessed to every such corporation, person or association together with the assessed value thereof.

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Statement to be transmitted by county clerk.

Section 3. The County Clerk of each county must, on the second Monday in August of each year, transmit to the State Board of Equalization a statement showing

1. Any and all changes, corrections and orders made by the County Board of Equalization regarding the assessment of the property of any such corporation, person or association.

Hearing to be afforded to any taxpayer.

Section 4. At the regular meeting of the State Board of Equalization in each year it shall be the duty of the board to afford an opportunity to any corporation, person or association owning or operating any such property in this state, or to any taxpayer, to appear before the board and submit any facts which may tend to inform the board or to give it information to the end that a fair and equitable assessment of such property may be made.

Board may order a hearing to determine facts, when.

Section 5. If any corporation, person or association shall fail, neglect or refuse to furnish the State Board of Equalization with a full, true and correct statement as required by Section 1 of this act, or if the board shall have reason to believe that any such statement furnished the board is incorrect or erroneous in any particular, the board shall order a hearing for the purpose of ascertaining and determining such facts as will enable the board to assess the property of such corporation, person or association in accordance with the provisions of Section 6 of this act. At least five days' written notice of such hearing shall be given to such corporation, person or association, and on such hearing the board shall ascertain and determine each and all of the matters and facts which should have been stated in such statement.

Notice of hearing.

Annual sessions.

Section 6. The State Board of Equalization must meet at the capitol on the fourth Monday in July of each year and remain in session from day to day (Sunday and holidays excepted), until the third Monday in August, and later if the business of the board requires it.

Duty to assess what properties.

At such meeting the board must assess all of the properties described in Section 1 of this act, but franchises granted by the United States must not be assessed.

Method of ascertaining assessable value.

The value for taxation of the property and plant of each telegraph, telephone, electric power and transmission line, canal, ditch, flume, and other properties to be assessed by the State Board of Equalization, shall be that portion of the total value of the entire plant and property wherever situated that the total mileage within this state bears to the total mileage wherever situated, after deducting from such portion the total assessed value of all

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property which has been assessed for taxation in this state by the County Assessors of the several counties of this state, and the State Board of Equalization shall assess the same accordingly.

Apportionment to counties, to be made, when.

Between the third and fourth Mondays in August the State Board of Equalization must apportion the total assessment of each of the properties assessed by such board to the counties in which the same are situated in proportion to the number of miles in such counties.

Board shall transmit to county clerk statement showing portion of property to be assessed in county, when.

Section 7. The State Board of Equalization must, not later than the fourth Monday of August, transmit or mail to the county clerk of each county to which such apportionment has been made, a statement showing the length of the property in such county; a description of the same sufficient for identification; the assessed value per mile of the same as determined by a pro rata distribution per mile of the assessed value of the whole; and the amount apportioned to the county. The county clerk must enter the statement on the assessment roll or book of the county, and enter the amount of the assessment apportioned to the county in the column of the assessment roll or book, which shows the total value of all property for taxation in the county.

County commissioners shall enter order showing property so assessed by Board in county, when.

Section 8. On the second Monday in September the board of county commissioners of each county must make and cause to be entered in the proper record book an order stating and declaring the length of the property within the county of each of such properties assessed by the State Board of Equalization; the assessed value per mile; the total valuation within the county; the number of miles and the assessed value in each incorporated city and town and in each school, road or other taxing district in the county through which such property extends, as fixed by the State Board of Equalization, which shall constitute the assessment value of such property for taxation purposes in such cities, towns, school, road and other taxing districts, and the county clerk must transmit a copy of said order to the city or town council, trustees or other legislative body of each incorporated city and town, to the trustees of each school district, and to the authorized authorities for other taxing districts through which such property extends. All such property is taxable upon said assessment at the same rate, by the same officers, and for the same purposes as the property of individual taxpayers within such cities, towns, school, road and other taxing districts respectively, and such

Number of miles and value assessed within each town or city or other taxing district.

Clerk to transmit copy of order to whom.

How property to be taxed in such city, town or other taxing district.

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taxes must be collected in the same manner, at the same time and by the same officers as other taxes are collected.

State Board shall annually enter every such assessment, when and how.

Section 9. The State Board of Equalization must prepare each year a book in which must be entered every such assessment made by the board, either in writing or by both writing and printing. Each assessment so entered must be signed by the president and secretary of the board. The record of the apportionment of assessments made by the State Board of Equalization to the several counties must be made in a separate book. In the last described book must be entered the name of the corporation, person or association to whom such property was assessed; the whole number of miles of such property in the state; the number of miles in each county; the value per mile of said property; and the amount of such total assessment apportioned to each county for taxation.

Separate book entries.

Names of owners, miles and valuations.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

CHAPTER 50.

"An Act Relating to the Office of County Surveyor; Defining the Duties and Qualifications, and Providing for Qualifications of Deputies."

Be it enacted by the Legislative Assembly of the State of Montana:

County surveyors; qualifications.

Section 1. A County Surveyor shall be a professional engineer, not less than twenty-two years of age, who shall have been in active practice of his profession for at least three years and who shall have had responsible charge of work as principal or assistant for at least one year; graduation from a school of engineering shall be considered as equivalent to two years of active practice. All deputies must also have a practical knowledge of engineering.

Qualifications of deputies.

County surveyor ex-officio highway engineer for county.

Section 2. The County Surveyor shall be ex-officio highway engineer for the county in which he resides, and shall work under the direction of the Board of County Commissioners, and under their direction and supervision he shall have charge and supervision of all highway construction and maintenance on work over which he has had supervision; make all surveys; establish grades; pre-

Under direction of county commissioners.

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Duties as highway engineer.

pare plans, specifications, and estimates; approve all claims against the county for road and bridge construction and maintenance on which he has actual supervision before the same is passed on and allowed by the Board of County Commissioners; keep accurate cost data; report any delinquency or inefficiency of any road overseer or other person employed upon the roads within the county; from time to time make progress reports and estimates of all work and such other facts in relation thereto as may be required by the State Highway Commission, Board of County Commissioners, or both.

Reports to State Highway Commission.

Records of surveys and plats.

Section 3. The County Surveyor shall keep in his office a record of all surveys and plats made or caused to be made by him, to be recorded in proper books provided for that purpose; and shall also keep on file and for record in suitable plat books provided therefor, copies of all plats made or caused to be made by him, and have recorded therein a description of every public highway within the county, provided, further, that all such books of record, together with original drawings and original book or books of field notes, calculations and computations shall be, are, and remain the property of the county, and preserved as such.

Plat books.

All books, records, drawings and note books of field notes to remain the property of the county.

Quarters and equipment to be furnished by the county.

Section 4. The County Surveyor shall be provided with suitable office, together with necessary equipment, to perform his various duties as prescribed by law.

Section 5. All Acts and parts of Act in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

CHAPTER 51.

"An Act Providing for the Classification of Taxable Property in this State for the Purpose of Taxation, and Providing the Percentage of the True and Full Value of Each Class Which Shall Be Taken and Used as the Basis for the Imposition of the Tax Thereon."

Be it enacted by the Legislative Assembly of the State of Montana:

Property classified for taxation.

Section 1. For the purpose of taxation the taxable property in this state shall be classified as follows:

Net proceeds of mines.

Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by Section 2565 of the Revised Codes of Montana.

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Class Two. All household goods and furniture, including clocks, musical instruments, sewing machines, wearing apparel of members of the family and all personal property actually used by the owner for personal and domestic purposes or for the furnishing or equipment of the family residence; all agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds, boats and all water craft, harness, saddlery and robes.

Household furniture, agricultural implements and other machinery.

Class Three. Live stock, poultry and all agricultural products; stocks of merchandise of all sort; together with furniture and fixtures used therewith.

Live stock agricultural products and merchandise.

Class Four. All land, town and city lots, with improvements, manufacturing and mining machinery, fixtures and supplies, except as otherwise provided by the constitution of Montana.

Real estate, manufacturing and mining machinery, fixtures and supplies.

Class Five. All moneys and credits, secured or unsecured, including all state, county, school district and other municipal bonds, warrants and securities without any deduction or offset; provided, however, that the terms, moneys and credits as herein used shall not embrace the moneyed capital employed in the banking business by any banking corporation association or individual in this state.

Moneys, credits and securities.

Bank capital excluded.

Class Six. The shares of stock of national banking associations, and the moneyed capital employed in conducting a banking business by any other banking corporation, association or individual in this state. Such moneyed capital to be ascertained by deducting from the moneys and credits of such banking corporation, association or individual, the amount of the deposits and any indebtedness representing money borrowed for use in said business, and the value of the shares of any national banking association, to be ascertained by deducting the value of all real estate of such association.

Bank shares and capital.

Method of ascertaining value.

Class Seven. All property not included in the six preceding classes.

Other property.

Section 2. As a basis for the imposition of taxes upon the different classes of property above specified, a percentage of the true and full value of the property of each class shall be taken as follows:

Basis of tax.

(a) Class One: 100 per cent of its true and full value.

(b) Class Two: 20 per cent of its true and full value.

(c) Class Three: 33 1-3 per cent of its true and full value.

Percentage of value.

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(d) Class Four: 30 per cent of its true and full value.

(e) Class Five: 7 per cent of its true and full value.

(f) Class Six: 40 per cent of its true and full value.

(g) Class Seven: 40 per cent of its true and full value.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This act shall take effect and be in full force from and after its passage and approval.

Approved February 28, 1919.

CHAPTER 52.

"An Act to Amend Section 297 of the Revised Codes of Montana of 1907, as Amended by Chapter 62 of the Laws of the Thirteenth Session of 1913, Relating to the Compensation of the Marshal of the Supreme Court."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 297 of the Revised Codes of Montana of 1907, as amended by Chapter 62 of the Laws of the Thirteenth Session of 1913, be and the same is hereby amended so as to read as follows:

Marshal of Supreme Court; salary.

"Section 297. The annual salary of the Marshal of the Supreme Court for all services now required of, or which may hereafter be imposed upon him by law, is Eighteen Hundred Dollars ($1,800.00).

Mileage.

When serving process of court beyond the place where the court is held, in cases in which the state, a county or any subdivision thereof, or any officer when prosecuting or defending an action on behalf of the State, county or subdivision thereof, is not a party, the Marshal is entitled to receive the same mileage as provided by law for sheriffs in performing similar services, to be taxed as costs, as in other cases; in cases in which the state, a county or any subdivision thereof, or any officer when prosecuting or defending an

Actual expenses in certain cases.

action on behalf of the state, a county or any subdivision thereof, is the real party in interest, he shall be entitled to receive his actual expenses incurred in serving such process, to be paid from the fund appropriated for expenses of the Supreme Court not otherwise provided for."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

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CHAPTER 53.

"An Act Providing for the Extension of the Time of Payment of County Seed Grain Loans Made Pursuant to the Provisions of Chapter 19 of the Extraordinary Session Laws of the Fifteenth Legislative Assembly of the State of Montana, and Providing for the Payment of Interest upon such Indebtedness."

Be it enacted by the Legislative Assembly of the State of Montana:

Seed grain loans, extension of time for payment.

Section 1. That the Board of County Commissioners of any county in this state are hereby authorized, upon the written application of any farmer procuring seed grain under the provisions of Chapter 19 of the Extraordinary Session Laws of the 15th Legislative Assembly of the State of Montana, to make an extension of the time of payment of the indebtedness of such farmer to the county until the 31st day of December in the year following the year in which such loan was made. The making of such extension shall rest in the discretion of the Board of County Commissioners.

Extension discretionary.

Removal of penalty.

Section 2. That upon making such extension in the time of payment of the indebtedness to the county, the Clerk of the Board of County Commissioners shall direct the County Treasurer not to add the usual statutory penalty to the amount of the delinquent tax due and owing to the county on account of such seed grain indebtedness, and if such penalty has already been added by the County Treasurer to the amount of such tax, such penalty shall be cancelled.

Payment in discharge of indebtedness.

Section 3. That any farmer, the payment of whose indebtedness to the county on account of such seed grain loan has been extended by the Board of County Commissioners, may pay and discharge his indebtedness to the county by paying the principle of such indebtedness together with interest thereon at the rate of seven percent (7%) per annum from the date of such seed grain contract to the date of payment; provided, however, that such payment be made within the time so extended, and if such payment is not made within the period of time as extended, the County Treasurer shall enter the same as delinquent taxes, adding the usual statutory penalty, and the property shall be sold for delinquent taxes at the same time and in the same manner that property is sold for delinquent taxes.

Proviso as to time of payment.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

CHAPTER 54.

"An Act to Amend Section 1656 of the Revised Codes of Montana, as Amended by Section 14 of Chapter 30 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, Relating to the Renewal of Certificates of License to Engineers."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 1656 of the Revised Codes of the State of Montana as amended by Section 14 of Chapter 30 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Engineers' licenses to be renewed, when.

Renewal fee.

Fee in case license not reewed at time provided.

License expiring while engineer in military service of the United States.

Money collected on license fees to be credited to what fund.

"Section 1656. Certificates must be renewed yearly. Annual report.—All certificates of license to engineers of all classes shall be renewed yearly, except as herein provided. The fee for renewal is One Dollar ($1.00) in all cases. Any engineer failing to renew his license as herein provided, or within at least thirty days thereafter, must forward the fee for the original license of the same grade, before license can be re-issued; provided however, that any engineer whose license expired while such engineer was in the Military or Naval service of the United States, shall have sixty days from the time such engineer is discharged from such Military or Naval service within which to renew his license at the renewal fee of One Dollar ($1.00).

All moneys collected by virtue of the provisions of this article must be paid into the State Treasury once in each month and credited to the Industrial Accident Board Administrative Fund as other inspection fees of the Industrial Accident Board are now paid and credited.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved, February 28, 1919.

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CHAPTER 55.

"An Act to Amend Section 7631 of the Revised Codes of the State of Montana of 1907 Relating to the Compensation of Executors and Administrators."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section 7631, Revised Codes.

Section 1. That Section 7631 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Executors and administrators shall be allowed what expenses.

"Section 7631. The Executor and Administrator shall be allowed all necessary expenses in the care, management and settlement of the Estate, including a reasonable fee paid to attorneys for conducting the necessary proceedings and for conducting necessary actions in Courts, or incurred therefor, the amount of which attorneys' fees shall be in all cases, in the absence of agreement, fixed and determined by the Court having jurisdiction of the settlement of the Estate, and for his services such fees as provided in this Chapter; but when the decedent by his will, makes some other provision for the compensation of his executor, that shall be a full compensation for his services, unless by a written instrument filed in court, he renounces all claims for compensation provided for by the Will."

Amount of attorneys' fees to be allowed.

Compensation fixed by wills.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

CHAPTER 56.

"An Act Requiring County Commissioners to Submit a Question of Issuing Bonds for an Amount Exceeding Ten Thousand Dollars for the Construction of a Bridge to the Voters of the County at the Time of a General Election, When a Petition, Signed by Ten per Cent of the Resident Taxpayers of the County, Is Filed With the County Clerk and Recorder."

Be it enacted by the Legislative Assembly of the State of Montana:

Bridges, petition for construction of.

Section 1. That the County Commissioners of any County in the State of Montana, whenever a petition, signed by ten per cent of the resident tax payers of the County, is filed with the County Clerk and Recorder, shall cause to be submitted to the voters of the County, on the

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Referendum on bond issue.

Amount necessary to authorize issue.

Time of filing petition.

same date as is held the next General Election following the filing of the said petition, the question of whether or not the County shall issue bonds for an amount exceeding Ten Thousand ($10,000.00) Dollars for the purpose of securing money to construct a bridge at or near such a place in the County as is designated by the petition. Provided, however, that said petition shall be filed with the County Clerk and Recorder not later than 75 days previous to the date of the holding of any general election.

Petitions embracing more than one bridge, action on.

Provided further, That, whenever a petition or petitions are filed with the County Clerk and Recorder praying that the question or questions of issuing bonds for the construction of more than one bridge in the same locality in a County be submitted to a vote, the County Commissioners shall select and cause to be submitted to a vote only one of said questions. This Act, however, shall not preclude the County Commissioners from submitting more than one bridge bonding question to a vote at the same election, in case separate ballots are provided for each such question.

Submission of more than one question.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

CHAPTER 57.

"An Act to Amend Section XXIX of Chapter 147, Acts of Eleventh Legislative Assembly of the State of Montana Relating to the Management, Control, Platting and Disposition of State Lands, as Amended by Chapter 163 Acts of Fifteenth Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section XXIX of Chapter 147 Acts of Eleventh Legislative Assembly, as amended by Chapter 163, Acts of Fifteenth Legislative Assembly be, and the same is hereby amended so as to read as follows:

State lands situate and adjacent to any town or city may be surveyed and platted into lots, when.

"Section XXIX. Any state lands or any part thereof situated in or adjacent to a city or town may be, at such time as the Board may deem to be for the best interest of the state, surveyed and laid off in lots, blocks, streets, alleys, avenues, highways, public squares, market places and parks, in conformity with the laws of the state for the survey and platting of townsites and additions thereto, conforming as nearly as may be with the ordinances

To conform to what.

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of such city or town regarding the platting of additions thereto; and the State Board of Land Commissioners must cause correct maps and plats of such lands to be made and recorded when so surveyed and not otherwise. No fee shall be charged by the County Recorder, or by any city officer for filing or recording such maps or plats, when recorded on behalf of the State.

Maps and plats to be made and recorded, when.

County recorder not to charge fees.

The Board may, in its discretion, sell the same, or any part thereof, at public auction to the highest bidder. Each block or lot, as numbered and platted upon the maps or plats must be sold separately, but not until they have been appraised and notice of the sale given in the same manner, and upon the same terms and conditions as is herein provided for the sale of other state lands. It shall be optional with the Board as to whether or not state lands, or any part thereof, situated in or adjacent to cities and towns shall be surveyed and platted as hereinabove provided, in part or in whole; if such lands, or any part of them are not surveyed and platted into blocks, lots, streets and alleys, they and the parts not so platted, as well as any other lands described under the fourth subdivision of the classification of state lands in Section 1 of Article XVII of the Constitution of Montana, may be subdividied into lots or tracts of five acres each or less, and sold in the manner prescribed for the sale of other state lands, provided that each lot or tract may be offered for sale and sold separately.

May be sold at public auction, how.

Appraisement and notice of sale.

Optional with State Land Board to survey and plat.

Lands which may be subdivided into 5-acre lots, or less, and sold, how.

If, at any such sale, any purchaser or bidder shall purchase or bid in more than one of such lots or tracts, the board may, at the option of such purchaser include in the certificate of purchase, or deed, all of the lots or tracts purchased at said sale by such purchaser."

Certificate of purchase or deed may include more than one lot or tract, when.

Section 2. That all Acts and parts of Acts in conflict herewith be, and the same are hereby repealed.

Section 3. That this Act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

CHAPTER 58.

"An Act to Amend Section 24 of Chapter 122 of the Laws of the Fourteenth Regular Session of the Legislative Assembly of the State of Montana, Relating to the Reg-

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istration of Electors in Counties, Cities, Towns and School Districts."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 24 of Chapter 122 of the laws of the Fourteenth Legislative Assembly of the State of Montana, be, and the same is, hereby amended to read as follows:

"Place of residence," for registration or voting, defined.

"Section 24. For the purpose of registration or voting, the place of residence of any person must be governed by the following rules as far as they are applicable:

Place of habitation, when fixed.

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

Residence not gained or lost, when.

2. A person must not be held to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State, nor while a student at any institution of learning, nor while kept at any alms house or other asylum at the public expense, nor while confined in any public prison, nor while residing on any Military reservation.

Soldiers and seamen.

3. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State on consequence of being stationed at any military or naval place within the same.

Temporary absence with intention of returning.

4. A person must not be considered to have lost his residence who leaves his home to go into another State. or other district of this State, for temporary purposes merely with the intention of returning, provided he has not exercised the right of the election franchise in said state or district.

Temporary residence in another county.

5. A person must not be considered to have gained a residence in any county into which he comes for temporary purposes merely without the intention of making such county his home.

Moving into another state to permanently reside there.

6. If a person removes to another state with the intention of making it his residence, he loses his residence in this State.

Moving into another state to remain indefinitely.

7. If a person removes to another State with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this State, notwithstanding he entertains an intention of returning at some future period.

Presumption in regard to family residence.

8. The place where a man's family resides is presumed his place of residence, but any man who takes up or con-

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tinues his abode with the intention of remaining, or a place other than where his family resides, must be regarded as a resident of the place where he so abides.

Act and intent necessary in changing residence.

9. A change of residence can only be made by the act of removal joined with the intent to remain in another place. There can only be one residence. A residence cannot be lost until another is gained.

Term of residence computed, how.

10. The term of residence must be computed, by including the day of the election."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved, February 28, 1919.

CHAPTER 59.

"An Act to Amend Section 7 of Chapter 95 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Relating to the Sale of Fixtures, Musical Instruments, Gambling Paraphernalia and Movable Property from the Building Where a Nuisance Has been Found to Exist and Ordered Abated, by Adding Certain Conditions Whereby the Same may be Attached or Levied Upon, and for the Protection of Creditors."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 7 of Chapter 95 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana be amended to read as follows:

When order of abatement shall be entered.

"Section 7. If the existence of the nuisance be established in an action as provided herein, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, musical instruments, gambling paraphernalia and movable property used in conducting, maintaining, aiding or abating the nuisance, and shall direct the sale thereof in the manner provided for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year; unless sooner released, as hereinafter provided. While such order remains in effect as to closing, such building or place shall be and remain in the custody of the court. For removing and selling the moveable property, the officer shall

Order shall direct removal and sale of what.

Building to be kept closed and in custody of court one year.

Fees of officer and costs.

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be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court. Provided, however, that any such fixtures, musical instruments, goods, wares or merchandise, or other movable property, which has not been the active means of conducting such nuisance, shall, at any time prior to the sale thereof by the sheriff as above provided, be subject to attachment or execution at the instance of a bona fide creditor of the ower thereof, and may be subjected to bankruptcy or insolvency proceedings, the same as if such order of abatement has not been entered. When any such writ of attachment, execution or other process is placed in the sheriff's hands for service upon any such property, his possession thereof under the order of abatement shall thereupon be deemed to be possession under such writ or process and equivalent to levy, attachment and seizure thereof."

Property subject to attachment and execution.

Property subject to bankruptcy and insolvency proceedings.

Character of sheriff's possession.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

CHAPTER 60.

"An Act to Prohibit the Driving of Livestock from Their Customary Range and Fixing Penalties for the Violation Thereof, and to Repeal Section 8858 of the Revised Codes of Montana, 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. "Every person who wilfully drives or causes to be driven any cattle, horses, mules, or sheep from their customary range without the permission of the owner thereof is punishable by imprisonment in the county jail not exceeding ninety days, or by fine not exceeding one hundred dollars, or both."

Driving live stock from customary range.

Penalty.

Section 2. Section 8858 of the Revised Codes of 1907, is hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved, February 28, 1919.

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CHAPTER 61.

"An Act to Amend Section 3241 of the Revised Codes of 1907 of the State of Montana, Relating to the Salaries of Police Judges."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3241, Revised Codes, amended.

Section 1. That Section 3241 of the Revised Codes of 1907 of the State of Montana, be, and the same is, hereby amended to read as follows:

Section 3241. Salaries of Police Judges.

Salaries and fees of police judges.

The annual salary and compensation of Police Judges must be fixed by ordinance, and in a City of the First Class, with a population in excess of 50,000 inhabitants, must not exceed, for all services rendered, Three Thousand Dollars; and in a City of the Second Class must not exceed Fifteen Hundred Dollars; and in a City of the Third Class must not exceed Six Hundred Dollars, and, in addition, a police judge is entitled to receive in all civil cases the fees which are now, or may hereafter be, allowed Justices of the Peace. In all criminal actions or proceedings arising under the criminal laws of the State when acting as a Justice of the Peace or Committing Magistrate, he must receive no compensation whatever, provided, however, that none of the provisions of this act shall affect cities operating under the commission form of government.

No compensation in criminal actions, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and take effect from and after the 1st Monday in May, 1919.

Approved, March 1, 1919.

CHAPTER 62.

"An Act to Amend Section 5212 of the Revised Codes of Montana, as Amended by Section 1 of Chapter 36 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, entitled 'An Act to Provide for Maximum Rate of Interest on Loans of Money, Providing Penalty for Violation Thereof, and to Amend Section 5212 Revised Codes 1907.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Section 5212, Revised Codes, amended.

Section 1. That Section 5212 of the Revised Codes of Montana, as amended by Section 1 of Chapter 36 of the Session Laws of the Thirteenth Legislative Assembly of

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the State of Montana, entitled, 'An Act to Provide for Maximum Rate of Interest on Loans of Money, Providing Penalty for Violation thereof, and to Amend Section 5212 Revised Codes, 1907,' be and the same is hereby amended to read as follows:

Contract rate of interest.

"Section 5212. Parties may agree in writing for the payment of any rate of interest not exceeding the rate of ten (10) percent per annum, and such interest shall be allowed according to the terms of the agreement until the entry of judgment."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved, March 1, 1919.

CHAPTER 63.

"An Act to Amend Section 8643, of the Revised Codes of the State of Montana, of 1907, Relating to the Obtaining of Property by Fraudulent Draft, Check or Order and the Giving of Worthless Checks, Drafts or Orders and Providing Penalty Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 8643, Revised Codes, amended.

Section 1. That Section 8643 of the Revised Codes of the State of Montana of 1907, is hereby amended so as to read as follows:

Obtaining property by fraudulent draft.

"Section 8643. Any person, who with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money, upon any Bank or other Depository, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer has not sufficient funds in or credit with such Bank or Depository for the payment of such check, draft or order, although no especial representation is made in reference thereto, shall be guilty of a misdemeanor, if said check, draft, or order is for the sum of Fifty Dollars ($50.00) or less; and if said check, draft, or order is for more than Fifty Dollars ($50.00), shall be deemed a felony and punished as provided for in Section 8645 of the Revised Codes of the State of Montana, of 1907, for Grand Larceny. In any prosecution under this Section as against the maker, or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee because of lack of funds or credit, shall be prima facie evidence of

When deemed a misdemeanor.

When deemed a felony.

What acts deemed prima facie evidence of fraudulent intent.

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intent to defraud and all knowledge of insufficient funds in or credit with such Bank or Depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, within five days after receiving notice that such check, draft or order has not been paid by the drawee. The word "credit" as used herein shall be construed to mean an arrangement or an understanding with the Bank or Depository for payment of such check, draft, or order."

Payment bars prosecution, when.

Meaning of "credit."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved, March 1, 1919.

CHAPTER 64.

"An Act Amending Section 4193 of the Revised Codes of Montana of 1907, Relating to Powers of Building and Loan Associations."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4193 of the Revised Codes of Montana of 1907, be, and the same is hereby amended to read as follows:

Section 4193, Revised Codes, amended.

"Section 4193. Powers of Corporations: Such corporation shall have power to issue stock to members on such terms and conditions as the Constitution and By-Laws may provide. To assess and collect from members and depositors such dues, fines, interest, fees and premium on loans made, or other assessments as may be provided for in the Constitution and By-Laws. Such dues, fines, premiums, fees or other assessments shall not be deemed usury although in excess of the legal rate of interest. To permit members to withdraw all or part of their stock deposits at such time and upon such terms as the Constitution and By-Laws may provide; Provided, that no charge or fee, except as herein provided, shall be made against any member who withdraws his stock after having given thirty days' notice of such withdrawal. Provided also, that no fine of any description shall be made upon the par value of such stock, or upon the declared dividends because of such withdrawal. Any member who withdraws his stock or whose stock is matured, shall be entitled to receive all dues paid in and all dividends declared, less fines imposed for non-payment of dues, less a reasonable withdrawal fee not exceeding two dollars

Powers of building and loan associations.

May collect assessments.

Not deemed usury.

Withdrawal of stock.

No charge after notice of withdrawal.

Fines cannot be imposed.

Dues and dividends payable upon withdrawal.

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for each share of stock, and less a pro rata share of all losses, if any, which have occurred, and no other fine or assessment shall be made against such stock. To cancel shares of stock upon which all payments have been withdrawn, or upon which loans have been cancelled and reissue them as new stock. To issue stock to minors and permit the same to be withdrawn as other stock and the receipt of such minor shall be a valid acquittance if his rights have been fully secured to him. To acquire, hold, incumber and convey such real estate and personal property as may be necessary for the transactions of its business or necessary to enforce or protect its securities. To borrow money not exceeding twenty percent of its assets and issue its evidence of indebtedness therefor. To make loans to members and depositors on such terms, conditions and securities, as may be provided in the Constitution and By-Laws. To cancel such loans and release the securities on such terms as the Board of Directors may provide. But any borrower may have his loan cancelled upon the following terms, to-wit: After the premium for one year has been paid, and also the premium and interest up to the date of cancellation, the borrower shall pay the sum actually borrowed, less the dues paid and the dividends credited. He shall pay also any fines or other assessments required by the Constitution and By-Laws. To invest the money of the association in City, County or State warrants and bonds. To loan money to other Building and Loan Associations. To accumulate from the earnings and invest as the Board of Directors may determine, a reserve fund for the payment of contingent losses. To make such annual or semi-annual distribution of the earnings, (after paying expenses and setting aside a sum for the reserve fund as hereinafter provided), as the Constitution and By-Laws may prescribe. To increase or decrease its authorized capital or the face value of its shares at any time by a majority vote of its directors, and a certificate of such action shall be made by the President and Secretary and duly filed with the Secretary of State. To dissolve the corporation when its continuance shall be deemed by a majority of its members to be no longer desirable, subject however to the vested rights of its members. To provide by constitution adopted by its Board of Directors, for the proper exercise of the powers herein granted and the conduct and management of its affairs. All such other powers as are necessary and

Cancellation of shares of stock.

Issue of stock to minors.

Acquisition and sale of real estate.

Borrowing money.

Making loans.

Cancellation of loans.

Terms or cancellation.

Investment of funds.

Loan money.

Reserve fund.

Distribution of earnings.

Increase or diminution of capital or face value of shares.

Dissolution of corporation.

Provision for exercise of corporate powers.

Incidental powers.

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proper to enable such corporation to carry out the purpose of its organization.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect upon and after its passage and approval.

Approved, March 1, 1919.

CHAPTER 65.

"An Act to Amend Section 4253 of the Revised Codes of Montana Relating to the Application of the Proceeds Arising From Sale of Lots by Cemetery Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4253, Revised Codes.

Section 1. That Section 4253 of the Revised Codes of the State of Montana, be and the same is hereby amended so as to read as follows: "Section 4253—The proceeds arising from the sale of lots in such cemetery shall be applied to the payment of any debts incurred by the cemetery association in the purchase of cemetery grounds and property; in fencing, improving and embellishing such grounds and avenues leading thereto; the erection, conduct, repair or preservation of any structure to be used as a crematory, or the creation, maintenance and operation of a department for the interment of the dead, and in defraying the necessary expenses in the management and care thereof, and for no other purposes."

Cemeteries, disposition of money arising from sale of lots.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after the first day of April, 1919.

Approved, March 1, 1919.

CHAPTER 66.

"An Act to Amend Sections 8 and 9, Chapter 129, Session Laws of Montana of 1911, Entitled: 'An Act in Aid of the Disability Fund of Fire Departments in Incorporated Cities for the Relief of Sick, Injured and Retired Firemen, and the Pensioning of the Widows and Orphans of Deceased Firemen, and Assigning to said Fund Certain Portions of the Licenses Derived by the State from Fire Insurance Companies doing Business within the State.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 8 of Chapter 129, Session Laws of Montana of 1911 be amended to read as follows:

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Fire Department Relief Associations may pay a service pension in what amount, out of what funds and to whom.

"Section 8. Every Fire Department Relief Association whenever certificate of incorporation or by-laws so provide, and every board of trustees, may pay out of any moneys in the fund a service pension in an amount not exceeding one-half of the monthly salary last received by such pensioner as may be provided for, to each of its members who have heretofore retired, or may hereafter retire, or has reached or shall hereafter reach the age of fifty years, and who has done or hereafter shall do active duty for twenty years or more as a member of a volunteer, paid or partially paid and partially volunteer fire department in the municipality where such association exists, or who under the bylaws of the Board of Trustees may be entitled to such pension. Such pension shall be uniform in amount, and may be decreased or increased within the amount above specified, whenever the amount of funds on hand render such acts advisable. No such pension shall be paid to any person while he remains a member of the Fire Department and any person receiving such pension shall not be entitled to other relief from such association."

Pensions to be uniform in amount and may be increased or decreased, when

Pension not to be paid to whom.

Law amended.

Section 2. That Section 9 of Chapter 129, Session Laws of Montana of 1911, be amended so as to read as follows:

Service pensions may be paid in what amounts and in what manner.

"Section 9. Every Firemen's Relief Association now or hereafter organized in any city in this State, having an organized Fire Department, which is now incorporated, or which may hereafter be incorporated, and every Board of Trustees may pay out of any funds it may have heretofore received or may hereafter receive, service pensions in such amounts and in such manner as its By-Laws shall designate, under the provisions of this Act, not exceeding, however, one half the sum last received as a monthly salary by such pensioned members monthly. Nothing herein contained shall be construed as permitting any member of a Fire Department Relief Association receiving benefits or allowance under the provisions of this Act and, at the same time, for the same casualty, an allowance under the Montana Workmens' Compensation Act."

Limit of amount.

Act not to be construed, how.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect after its passage and approval.

Approved, March 1, 1919.

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CHAPTER 67

"An Act to Amend Sections 1, 2, 3, 7, 8, 16, 19 and 25 of Chapter 156 of the Laws of the Fifteenth Legislative Assembly Relating to the Creation and Maintenance of Special Improvement Districts in Thickly Populated Localities Outside the Limits of Incorporated Towns and Cities."

Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section 1 of Chapter 156 of the Laws of the Fifteenth Legislative Assembly be amended to read as follows:

Rural improvement districts, how created.

"Section 1. Whenever the public interest or convenience may require and upon the petition of sixty per cent (60%) of the freeholders affected thereby, the Board of County Commissioners is hereby authorized and empowered to order and create special improvement districts for the purpose of building, constructing and maintaining sanitary and storm sewers, light systems, waterworks plants and such other special improvements as may be petitioned for."

Purposes of district.

Section amended.

Section 2. That Section 2 of Chapter 156 of the Laws of the Fifteenth Legislative Assembly be amended to read as follows:

Resolution to be passed by Board of County Commissioners.

"Section 2. Before creating any special improvement district for the purpose of making any of the improvements, acquiring any private property for any purpose authorized by this Act, the Board of County Commissioners shall pass a resolution of intention so to do, which resolution shall designate the number of such district, describe the boundaries thereof, and state therein the general character of the improvements which are to be made, designate the name of the engineer who is to have charge of the work, and an approximate estimate of the cost thereof. Upon having passed such a resolution the Board of County Commissioners must give notice of the passage of such resolution of intention, which notice must be published for ten (10) consecutive days in a daily newspaper, or in two (2) issues of a weekly newspaper published nearest to the place where such improvement district is to be created, and shall also cause to be posted within the boundaries of such special improvement district, a copy of such notice in three (3) public places, and a copy of such notice shall be mailed to every person, firm or corporation, or the agent of such person, firm or corporation, having property within the proposed dis-

Resolution shall state what.

Designation of engineer.

Approximate cost.

Notice and publication.

Posting of notice.

Copies to be mailed to whom.

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trict, at his last known place of residence upon the same day such notice is first published or posted.

Contents of notice.

Such notice must describe the general character of the improvement, or improvements, so proposed to be made, state the estimated cost thereof, and designate the time when and the place where the Board of County Commissioners will hear and pass upon all protests that may be made against the making or maintenance of such improvements, or the creation of such district, and the said notice shall refer to the resolution on file in the office of the County Clerk for the description of the boundaries."

Section amended.

Section 3. That Section 3 of Chapter 156 of the Laws of the Fifteenth Legislative Assembly be amended to read as follows:

If cost exceeds 50 per cent of total assessed value included, procedure.

"Section 3. Whenever a contemplated work, or improvement, in the opinion of the Board of County Commissioners is of more than local or ordinary public benefit, or whenever according to estimates furnished by the County Surveyor or an Engineer approved by the Board of County Commissioners and designated in the petition, the total estimated cost and expenses thereof would exceed one-half of the total assessed value of the lots and lands assessed, if assessed upon the lots and lands fronting upon such proposed work or improvement according to the valuation fixed by the last assessment roll, whereon it was assessed for taxes, the Board of County Commissioners may make the expense of such work chargeable upon the extended district, and which may include other lots and lands not fronting on the improvement, and which the said Board of County Commissioners shall in its resolution of intention declare to be the district benefited by said work or improvements, and to be assessed to pay the cost and expense thereof."

Chargeable to what property.

Section amended.

Section 4. That Section 7 of Chapter 156 of the Laws of the Fifteenth Legislative Assembly be amended to read as follows:

Publication of notice inviting proposals or bids.

"Section 7. A notice inviting proposals and referring to specifications on file with the engineer selected as hereinbefore provided shall be published at least twice in a daily, semi-weekly or weekly newspaper published and circulated nearest to the boundaries of the said proposed improvement district, and which paper shall be designated by the Board of County Commissioners for that purpose, and a copy of said notice shall be posted in at least three (3) public places within the boundaries of the proposed district.

Posting of notice.

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May call for bids for several kinds or types of material.

The Board of County Commissioners may call for bids or proposals for several kinds or types of materials for any of the improvements proposed, reserving the right to select the kind or type of materials to be used in making any or all of said improvements after the bids or proposals therefor shall have been opened, examined and declared.

Time for opening bids.

The time fixed for the opening of the bids shall not be less than fifteen (15) days from the time of the final publication of said notice. All proposals or bids offered shall be accompanied by a check payable to the Board of County Commissioners, certified by a responsible bank, for an amount which shall not be less than ten per cent (10%) of the aggregate of said proposal. Such proposals or bids shall be delivered to the County Clerk and the Board of County Commissioners shall, in open session, publicly open and examine and declare the same. Provided, however, that no proposal or bid shall be considered unless accompanied by said check.

Check to accompany bids.

Bids to be declared to whom.

When bid not to be considered.

Board may reject all bids.

The Board of County Commissioners may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the Board of County Commissioners, and shall reject all proposals, other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for such work or improvement to the lowest responsible bidder at the prices named in his bid.

Former delinquency.

Lowest responsible bidder.

When board may re-advertise for bids without further proceedings.

If the bids are rejected or no bids are received the Board of County Commissioners may within six (6) months thereafter re-advertise for proposals or bids for the performance of the work as in the first instance, without further proceedings and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the checks corresponding to the bids so rejected, but the check accompanying said accepted proposal or bid shall be held by the County Clerk until the contract for doing said work as hereinafter provided, has been entered into, either by the said lowest bidder, or by the owners of over fifty per cent (50%) of frontage whereupon said certified check shall be returned to said bidder, but if said bidder fails, neglects or refuses to enter into the contract to perform said work and improvements as hereinafter provided, then the certified check accompanying his bid, in the amount herein mentioned shall be declared to be forfeited

Checks to be returned, when.

When check shall be forfeited.

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Money to be paid into general fund.

to the said Board of County Commissioners, and shall be collected by it, and paid into the General Fund of the County."

Section amended.

Section 5. That Section 8 of Chapter 156 of the Laws of the Fifteenth Legislative Assembly of Montana be amended to read as follows:

Failure to perform contract work, duty of engineer.

Relet unfinished portion of work, when and how.

Cost in excess of contract price, how collected.

"Section 8. If the contractor who may have taken any contract does not complete same within the time limited in the contract, or within such further time as may be given him, the engineer selected as hereinbefore provided shall report such delinquency to the Board of County Commissioners which may relet the unfinished portion of said work, after pursuing the formalities prescribed herein for the letting of the whole in the first instance, or the Board of County Commissioners, shall have the right, in its option, to complete the contract and deduct any cost in excess of the contract price thereof from any money, bonds or warrants, due such contractor, and in the event there is no money, bonds or warrants due such contractor from which to deduct such cost, then and in such event the Board of County Commissioners shall have the right to sue such contractor and recover from him such costs."

Section amended.

Section 6. That Section 16 of Chapter 156 of the Laws of the Fifteenth Legislative Assembly be amended to read as follows:

Incidental costs and expenses which may be included as part of costs in making improvements.

Engineer's duty to keep account of all costs and expenses.

Duty of county clerk.

"Section 16. The cost and expense connected with and incidental to the formation of any Special Improvement District, including the cost of preparation of plans, specifications, maps, plats, engineering, superintendence and inspection, and preparation of assessment rolls, shall be considered a part of the cost and expenses of making the improvements within such Special Improvement Districts, and it shall be the duty of the engineer selected as hereinbefore provided to keep an account of all costs and expenses incurred in his office in connection with every Special Improvement District, and certify the same to the County Clerk, whose duty it shall be to prepare all necessary schedules and resolutions levying the taxes and assessments in such Special Improvement Districts."

Section amended.

Section 7. That Section 19 of Chapter 156 of the Laws of the Fifteenth Legislative Assembly be amended to read as follows:

Costs of construction and maintenance to be paid by bonds and warrants.

"Section 19. All costs and expenses incurred in the construction or maintenance of any improvement specified in this Act, in any improvement district, shall be paid

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for by special improvement district bonds or warrants. Such bonds or warrants shall be drawn in substantially the following form:

Form of bonds and warrants.

District No.....

United States of America
State of Montana.

Warrant or (Bond No.....) Dollars $.....

Interest at the rate of 6% per annum payable annually,

Special Improvement District Coupon Warrant or Bonds.

.....,Montana.

Issued by the County of ....., Montana.

The County Treasurer of ..... County, Montana, will pay to ....., or bearer, the sum of .....Dollars as authorized by resolution No. ..... as passed on the ..... day of ....., 19....., creating Special Improvement District No. ..... for the construction (or maintenance) of the improvements and work performed as authorized by said resolution to be done in said district, and all laws, resolutions and ordinances relating thereto, in payment of the contract in accordance therewith. The principal and interest of this warrant (or bond) are payable at the office of the County Treasurer of ..... County, Montana.

This warrant (or bond) bears interest at the rate of six per cent (6%) per annum from the date of registration of this warrant (or bond) as expressed herein, until the date called for the redemption by the County Treasurer. The interest on this warrant (or bond) is payable annually on the first day of..... .....of each year, unless said previous thereto and as expressed by the interest coupons hereto attached, which bear the engraved facsimile signatures of the Chairman of the Board of County Commissioners and the County Clerk.

This warrant (or bond) is payable from the collection of a special tax or assessment which is a lien against the real estate within said improvement districts, as described in said resolution hereinbefore referred to.

This warrant (or bond) is redeemable at the option of the county at any time there are funds to the credit of said special improvement district fund for the redemption thereof, and in the manner provided for the redemption of the same.

It is hereby certified and recited, that all things re-

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quired to be done precedent to the issuance of this warrant (or bond) have been properly done, happened and been performed (Seal) in the manner prescribed by the laws of the State of Montana and the resolution and ordinances of the County of ....., Montana, relating to the issuance thereof.

Dated at ....., Montana, this..... day of....., 19.....

County of ....., Montana.

(Seal)

By....., Chairman of the Board of County Commissioners.

....., County Clerk.

Registered at the office of the County Treasurer of .....County, Montana, this..... day of ....., 19.....

.....

County Treasurer.

Bonds and warrants to be drawn against what funds.

Rate of interest.

Interest payable, when.

Execution of bonds and warrants.

Registered where. Coupons.

Facsimile signatures.

Denomination of bonds.

Issued in installments.

May be redeemed, when.

Interest to be first paid.

And the same shall be drawn against the special improvement district fund created for the district, and shall bear interest at the rate of six per cent (6%) per annum, from the date of registration until called for redemption or paid in full, interest to be payable annually on the first day of January of each year, unless the Board of County Commissioners perscribe another date. Such warrants (or bonds) shall be signed by the Chairman of the Board of County Commissioners and the County Clerk and shall bear the corporate seal of the county. They shall be registered in the office of the County Clerk and County Treasurer, and if interest coupons be attached thereto they shall also be so registered and shall bear the signature of the Chairman of the Board of County Commissioners and the County Clerk; provided, however, that said coupons may bear the facsimile signatures of said officers in the discretion of the Board of County Commissioners. Said bonds shall be in denominations of One Hundred ($100) Dollars or fractions or multiples thereof; and may be issued in installments, and may extend over a period of not to exceed twenty (20) years. Such warrants (or bonds) shall be redeemed by the County Treasurer when there are funds in the special improvement district fund against which said warrants (or bonds) are issued available therefor; provided, that the County Treasurer shall first pay out of such special improvement district fund annually the interest on all out-

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standing warrants (or bonds) on presentation of the coupons belonging thereto, and any funds remaining shall be applied to the payment of the principal and the redemption of the warrants (or bonds) in order of their registration; provided, further, that whenever there are any funds in any special improvement district fund, after paying the interest on such warrants (or bonds) drawn against said fund, the County Treasurer shall call in for payment outstanding warrants (or bonds) which together with the interest thereon to the date of redemption, will equal the amount of said fund on that date, which date shall be fixed by the County Treasurer who shall give notice by publication once in a newspaper published in the city, or at the option of the County Treasurer, by written notice to the holder or holders of such warrants (or bonds) if their address be known, of the number of warrants (or bonds) and the date on which payment will be made, which date shall not be less than ten (10) days after the date of publication or of service of notice, and on which date so fixed, interest shall cease. When it is provided by the resolution erecting the district that the work be paid in warrants (or bonds) the Board of County Commissioners shall by resolution fix the denominations of such warrants (or bonds) which may be of One Hundred ($100) Dollars, or fractions or multiples thereof, the rate of interest, which shall not exceed six per cent (6%) per annum, and provide for the payment or redemption of such warrants (or bonds) at a time certain, which time of payment must not exceed ten (10) years from and after the date of issuance."

Order of redemption.

May call in bonds or warrants, when; procedure.

Notice of call to be published, where.

Written notice.

Interest shall cease, when.

Resolution fixing denomination of warrants or bonds, etc.

Section 8. That Subdivision 3 and Subdivision 8, in Section 25 of the Laws of the Fifteenth Legislative Assembly be amended to read as follows:

Law amended.

"Section 25. Subdivision 3. The term 'incidental expenses,' as used in this Act, shall include the compensation of the engineer selected as hereinbefore provided for work done by him; also the cost of printing and advertising, as provided in this Act; also the expenses of making the assessment for any work authorized by this Act. All demands for incidental expenses in this Subdivision shall be presented to the County Clerk by itemized bill, duly verified by oath of the demandant."

Term "incidental expenses" shall include what.

Claims for incidental expenses to be presented, how.

"Subdivision 8. The term 'Engineer designated in the petition' as used in this Act, shall be understood and so construed as to mean the person, firm or corporation whose name is designated and approved by the Board of

Term "Engineer designated in the petition" defined.

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County Commissioners as the engineer in the original petition asking for the improvement."

Repealing laws named.

Section 9. That Sections 1, 2, 3, 7, 8, 16, 19 and Subdivisions 3 and 8 of Section 25, of Chapter 156 of the Laws of the Fifteenth Legislative Assembly are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 1, 1919.

CHAPTER 68.

"An Act Requiring Registrars and Sub-registrars of Births and Deaths to File Returns With County Clerks, and Providing for the Transcribing of Records of Births and Deaths."

Be it enacted by the Legislative Assembly of the State of Montana:

Local registrars of births and deaths must file duplicate returns.

Section 1. That every local registrar and sub-registrar of births and deaths, provided for by Section 1766 of the Revised Codes of Montana, in addition to sending to the State Registrar the returns required by law, must file duplicate returns with the county clerk in which said registrars are located, which returns so filed, must be entered by the county clerk in the respective registers of births and deaths, required by Section 1763 of the Revised Codes of Montana, 1907.

Duty of county clerk.

Copies of returns to be prepared and transmitted to county clerk.

Section 2. That all local Registrars and sub-registrars in the State of Montana must within ninety days after the passage and approval of this Act, prepare copies of all the returns on file in their respective offices heretofore filed and entered in their offices, showing record of all births and deaths appearing in their respective records, and must send such copies of such returns to the county clerk of the county in which they are resident, and shall receive as a fee for preparing and sending such copies of such records, ten cents (10c) for each of such records, which sum shall be paid by the Board of County Commissioners on presentation of duly verified claim, showing the number of returns so certified and filed with the county clerk.

Fees for making copies.

How paid.

Certified copies of records.

Section 3. Every county clerk is required to issue a certified copy of a record of birth or death upon demand of any such record on file in his office, and shall receive on behalf of the county as the fee for such certified copy, the sum of twenty-five cents (25c).

Fees for certified copies.

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Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1919.

CHAPTER 69.

"An Act to Amend Sections 2 and 3 of Chapter 79 of the Session Laws of the Fifteenth Legislative Assembly, the Same Being an Act Entitled, 'An Act to License Certain Corporations for the Exclusive Use and Benefit of the State of Montana, Fixing the License Fee for Engaging in Business and Providing a Method of Collecting Such License Fee, and Repealing Section 2773 of the Revised Codes of the State of Montana of 1907 as Amended by the Act Approved March 1, 1911, Entitled, 'An Act to Amend Section 2773 of the Revised Codes of the State of Montana of 1907 and Sections 2774 and 2777 of the Revised Codes of Montana of 1907.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 2 of Chapter 79 of the Session Laws of the Fifteenth Legislative Assembly be and the same is hereby amended to read as follows:

Net income of corporation doing business wholly within state, how ascertained.

"Section 2. In the case of a corporation engaged in business wholly within the State of Montana, such net income shall be ascertained by deducting from the gross amount of its income received within the year from all sources.

Expenses allowed.

First. All the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

Losses allowed.

Second. All losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear of property arising out of its use or employment in the business or trade. No deduction shall be allowed for any amount paid out for any buildings, permanent improvements or betterments made to increase the value of any property or estate and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

No allowance for any buildings, permanent improvements, etc., to increase value of property or for restoring exhaustion.

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Interest paid on indebtedness.

Third. The amount of interest paid within the year on its indebtedness to an amount of such indebtedness, not in excess of the sum of (a) the entire amount of the paid up capital stock outstanding at the close of the year, or if no capital stock, the entire amount of capital employed in the business at the close of the year, and (b) one-half of its interest-bearing indebtedness then outstanding. For the purpose of this Act preferred capital stock shall not be considered interest-bearing indebtedness and interest or dividends paid upon this stock shall not be deductible from gross income. In cases wherein shares of capital stock are issued without par or normal value the amount of paid up capital stock within the meaning of this section as represented by such shares will be the amount of cash or its equivalent paid or transferred to the corporation as a consideration for such shares. In the case of indebtedness wholly secured by property collateral, tangible or intangible, the subject of sale or hypothecation in the ordinary business of the corporation, as a dealer only in the property constituting such collateral or in loaning the funds thereby procured, the total interest paid by such corporation within the year on any such indebtedness may be deducted as a part of its expenses of doing business, but interest on such indebtedness shall only be deductible on an amount of such indebtedness in excess of the actual value of the property collateral. In the case of bonds or other indebtedness which have been issued with a guarantee that the interest payable thereon shall be free from taxation, no deduction for the payment of the license fee herein imposed or any other tax or license fee paid pursuant to such guarantee shall be allowed. In the case of a bank interest paid within the year on deposits of any moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank shall be allowed.

No allowance for interest or dividend on preferred stock.

Where shares are issued without par value.

Interest paid on certain secured indebtedness.

Interest paid on bonds, etc., issued with guarantee against payment of taxes, not allowed.

Interest paid by banks on deposits.

Taxes and licenses imposed by United States and foreign countries, or this state.

Fourth. Taxes and license fees paid within the year imposed by authority of the United States or its territories or possessions, or any foreign country, or under the authority of this state or any county, school district or municipality or other taxing subdivision of this State, not including those assessed against local benefits.

Arbitrary deduction of $2,500.00.

Fifth. And in addition to the foregoing deductions, every such corporation shall also have the right and privilege of making an additional arbitrary deduction of the sum of Two Thousand Five Hundred Dollars ($2,500.00)."

Law amended.

Section 2. That Section 3 of Chapter 79 of the Ses-

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sion Laws of the Fifteenth Legislative Assembly be and the same is hereby amended to read as follows:

"Section 3. In the case of a corporation engaged partly in business within the State of Montana and partly within any other state or territory of the United States or any foreign country, the net income shall be ascertained by deducting from the gross amount of its income received within the year from all sources within the State of Montana, other than the income derived from interstate commerce.

Corporations doing business partly in this state.

First. All the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the State of Montana, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title or in which it has no equity.

Ordinary and necessary expenses.

Second. All losses actually sustained within the year in business or trade conducted by it within the State of Montana, and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear or property arising out of its use or employment in the business or trade within the State of Montana. No deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate, and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

Losses in business conducted within state, not insured.

Wear and tear of property.

New buildings and permanent improvements to increase value of property.

Third. The amount of interest paid within the year on its indebtedness in the business carried on in the State of Montana to an amount of such indebtedness not in excess of the proportion of the sum of (a) the entire amount of the paid up capital stock outstanding at the close of the year, or if no capital stock, the entire amount of the capital employed in the business at the close of the year and but one-half of its interest-bearing indebtedness then outstanding which the gross amount of its income for the year from business transacted and capital invested within the State of Montana bears to the gross amount of its income derived from all sources within and without the State of Montana. In case of bonds or other indebtedness which have been issued with a guarantee that the interest payable thereon shall be free from taxation, no deduction for the payment of the license fee

Limitation on amount of interest to be deducted.

Bonds, etc., issued with guarantee to be free of taxes.

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herein imposed or any other tax paid pursuant to such guarantee shall be allowed.

Taxes paid.

Fourth. Taxes paid within the year imposed by the State of Montana or by any county, school district or municipality or other taxing subdivision of the State of Montana, not including those assessed against local benefits.

Arbitrary deduction of $2,500.00.

Fifth. And in addition to the foregoing deductions every such corporation shall also have the right and privilege of making an additional arbitrary deduction of the sum of Two Thousand Five Hundred Dollars ($2,500.00).

Determination of net earnings of corporations engaged in intra and interstate business.

Provided, however, that as to any corporation engaged in both intrastate and interstate commerce, the net earnings from intrastate business in Montana, so far as expenses of maintenance and operation are concerned, shall be determined by deducting from the gross earnings from intrastate business in Montana such portion thereof as the total expenses of such corporation for maintenance and operation, both within and without the State of Montana, are of the gross earnings of such corporation from all sources both within and without the state; provided, further, that as to any such corporation the deduction for interest shall be such portion of all interest paid on the entire indebtedness of such corporation as the gross intrastate earnings of such corporation in Montana are of the gross earnings of such corporation from all sources, both within and without the state, and the deduction for taxes shall be such portion of all taxes paid by such corporation in Montana as the gross intrastate earnings of such corporation in Montana are of the gross earnings of such corporation from all sources within the state, and otherwise the foregoing provisions with reference to deductions shall apply."

Deduction of what interest paid.

Deduction of taxes paid.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1919.

CHAPTER 70.

"An Act to Amend Section 3 of Chapter 84 of the Laws of the Thirteenth Legislative Assembly, as Amended by Chapter 73 Laws of the Fourteenth Legislative Assembly, Relative to the Fees to Be Paid by Incor-

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porated Cities and Towns and School Districts of the First and Second Classes."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3 of Chapter 84 of Laws of 1913.

Section 1. That Section 3 of Chapter 84 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, as amended by Chapter 73, laws of the Fourteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Amounts to be paid annually by cities and towns.

"Section 3. Cities and towns shall pay to the State Treasurer on or before the first day of November of each year the following amounts:

Cities of the first class	$150.00
Cities of the second class	100.00
Cities of the third class	50.00
Towns having a population of 700 or more	25.00
Towns having a population of less than 700	10.00

Duty of State Examiner to examine books and accounts of school districts.

The State Examiner shall examine the books and accounts of the school districts of the first and second class upon receiving a request signed by a majority of the Board of Trustees of such district; said school districts upon making a request for such examination shall pay the State Treasurer the following amounts:

Fees for examination.

School districts of the first class	$100.00
School districts of the second class	25.00

Moneys to be deposited in general fund.

All moneys collected under the provisions of this Act shall be deposited in the General Fund."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1919.

CHAPTER 71.

"An Act Prescribing the Salaries of Certain Employees at the State Capitol of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Salaries of janitors at State Capitol.

Section 1. That from and after the passage of this Act the salaries of janitors employed in the State Capitol Building at Helena, Montana, shall be the sum of Three Dollars and Fifty Sents ($3.50) per day. That the salaries of watchmen and Capitol guides shall be Three Dollars and Fifty Cents ($3.50) per day. The engineers employed at the power house of the State Capitol shall be paid the sum of Four Dollars and Fifty Cents ($4.50) per day,

Salaries of watchmen and Capitol guides.

Salaries of engineers at power house.

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and the head engineer shall be paid the sum of Five Dollars ($5.00) per day.

Repealing clause.

Section 2. So much of Chapter 40 of the Laws of the Fourteenth Legislative Assembly of the State of Montana as may be in conflict with the provisions of this Act, and all other acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 72.

"An Act to Regulate the Practice of the Profession of Public Accounting and Repealing Chapter 39, Acts of the Eleventh Legislative Assembly of the State of Montana, Entitled 'An Act to Regulate the Practice of the Profession of Public Accountancy.' "

Be it enacted by the Legislative Assembly of the State of Montana:

State University may issue certificates to public expert accountants.

Section 1. The State University of Montana (hereinafter referred to as the University) is hereby authorized to issue to persons possessing the qualifications hereinafter set forth certificates entitling the holders thereof to practice as public expert accountants, and to employ the title of Certified Public Accountant or the abbreviation "C. P. A." Every applicant for such certificate shall be a citizen of the United States of America, of the age of twenty-one years, of good moral character, a graduate of a high school with a four years' course or possessed of an equivalent education, a resident of the State of Montana for at least one year immediately preceding the date of his application, and shall have had at least one year's practical experience in the office of a practicing Public Accountant. Save as provided in Section 2 of this Act, certificates shall issue only to applicants who shall be certified to the University by its Board of Examiners in Accountancy, hereinafter provided for, as having successfully passed a written examination in "Theory of Accounts," "Practical Accounting," "Auditing," and "Commercial Law" as affecting accountancy, together with such other related subjects as the University may designate.

Qualifications of experts.

Conditions upon which certificates shall issue.

When examination may be waived.

Section 2. The University may waive the examination and the requirement of one year's practical experience in the office of a practicing Public Accountant provided

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for in Section 1 of this Act, and may issue a certificate in such form as to clearly indicate the conditions under which same be issued to any applicant who is possessed of the other qualifications hereinbefore recited, and who shall be— Form of certificate.

(1) The holder of a valid certificate as Certified Public Accountant issued by another state which extends like privileges to Certified Public Accountants of this state; provided, that the requirements for said certificate in said other state are, in the opinion of the University, equivalent to those of the State of Montana; or, Holder of certificate of another state.

(2) A member or associate in good standing of the American Institute of Accountants, who shall have successfully passed the examinations required by the said American Institute of Accountants, provided that in the opinion of the University the standards of said examination are high as those maintained by the University; or, Member of the American Institute of Accountants.

(3) Engaged in the business of public accounting or auditing, and who shall have been so engaged exclusively and continuously, in an office maintained for that purpose solely, for at least two years preceding the date of his application for said certificate, and who shall apply in writing to the University for said certificate within sixty days from and after the date of passage and approval of this Act, and shall present evidence of his qualifications as provided in this Act, satisfactory to the University before a certificate as a Certified Public Accountant shall issue. Persons engaged in public accounting or auditing.

Section 3. No certificate shall be issued under this Act to any person who shall have been barred from practicing as a Certified Public Accountant in any other state. Persons barred from practice.

Section 4. For the purpose of determining the qualifications of persons applying for examination under the provisions of Section 1 of this Act, the Chancellor of the University of Montana, with the approval of the State Board of Education, shall appoint a Board of Examiners in Accountancy, consisting of three members, each of whom shall possess a certificate as Certified Public Accountant issued under this Act or under the provisions of Chapter 39 of the Laws of the Eleventh Legislative Assembly. The members of the first Board appointed hereunder shall hold their offices until July 1, 1920. The members of Boards subsequently appointed shall hold their offices for the period of one year, and until their successors shall be appointed and qualified. Method of determining qualifications. Appointment of Board of Examiners in accountancy. Term of office.

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Rules and regulations governing examinations.

The University shall prescribe all useful and necessary rules and regulations for the conduct, character and scope of the examinations, the methods and time of filing applications therefor, and all other rules and regulations necessary or proper fully to carry into effect the purposes of this Act.

Time and place of examinations.

Section 5. The Board of Examiners in Accountancy shall hold examinations at the University of Missoula, Montana, or at the State Capitol in Helena, Montana, as often as in the opinion of the University shall be necessary, but in no event less frequently than once each year.

Notice of examinations.

Thirty days' notice of the time and place of holding such examinations shall be given by advertisement published once a week for three successive weeks prior to the date thereof, in three daily newspapers, no two of which shall be published in the same county.

Fees for examining and certifying applicants.

Section 6. The University shall be entitled to receive for the examination and certificate provided for in Section 1 of this Act a fee of twenty-five dollars, payable in advance at the time of making application therefor.

No fee for second examination.

Any applicant who shall fail to pass an examination shall be entitled to a second examination without the payment of further fee.

Traveling and hotel expenses of members of Board of Examiners.

Section 7. The members of the Board of Examiners in Accountancy shall receive their actual traveling and hotel expenses incurred while engaged in the performance of their duties, as imposed upon them by this Act, but shall receive no other compensation. Such expenses, together with the expenses of preparing and issuing certificates, publishing notices of examinations and all other expenses arising from the administration of this Act shall be paid by the University from the fees received from applicants. In no event shall any expenses arising from the administration of this Act become a charge against the funds of the University or the State of Montana.

Expenses defrayed from fees.

Cancellation of certificates, grounds for.

Section 8. The University may cancel any certificate issued under the provisions of this Act for unprofessional conduct or other sufficient cause; provided, that written notice shall have been forwarded by registered mail at least twenty days prior to any hearing thereon, addressed to the holder of such certificate at his last known address, and appointing a date for a full hearing thereon by the University; and provided, further, that no certificate shall be revoked until after a hearing shall have been had. The University shall establish such rules and regulations for the conduct of such hearings as to it may appear neces-

Notice of hearing.

Rules for conducting hearings.

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sary and proper, and in its discretion may appoint a commission of disinterested persons to take evidence and prepare and submit findings and recommendations. Commission for taking testimony.

Section 9. Any person practicing as an accountant or auditor in this state who, because of negligence, gross inefficiency or wilfulness, shall issue, or permit the issuance of, or approve the issuance of any false statement, or who, because of negligence, gross inefficiency or wilfullness, shall sign or certify to any false statement of the financial transactions, standing or condition of any corporation, partnership or individual business undertaking shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than two thousand dollars, or imprisoned for a period of not less than ninety days nor more than one year, or subjected to both said fine and imprisonment, in the discretion of the court. Liability of accountants and auditors. Penalty for false statements.

Section 10. Any person who shall represent himself as having received a certificate as provided in this Act or under the provisions of Chapter 39 of the Laws of the Eleventh Legislative Assembly, or who shall offer to or attempt to practice as a Certified Public Accountant or Chartered Accountant, or who shall employ the abbreviation "C. P. A." or "C. A," or any similar words or letters to indicate that he is a Certified Public Accountant or Chartered Accountant, without having been granted a certificate as such by the University or under the laws of another state; or who, having received a certificate as Certified Public Accountant under the laws of this or another state shall have lost the same by revocation or annulment, and who shall continue to practice as a Certified Public Accountant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars, or imprisoned for a period of not less than ninety days nor more than one year, or subjected to both said fine and imprisonment, in the discretion of the court. Penalty for practicing without certificate.

Section 11. Chapter 39 of the Laws of the Eleventh Legislative Assembly of the State of Montana, and all other Acts or parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Provided, however, that nothing in this Act contained shall nullify, invalidate or otherwise affect any certificate as Certified Public Accountant heretofore issued by the Prior certificates valid.

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University under the provisions of said Chapter 39 of the Laws of the Eleventh Legislative Assembly.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 73.

"An Act to Amend Section 1 of Chapter 91 of the Session Laws of the Fourteenth Legislative Assembly Relating to the Payment of Taxes Upon Real Estate and the Redemption of Real Estate From Tax Sales."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 1 of Chapter 91 of the Session Laws of the Fourteenth Legislative Assembly, relating to the payment of taxes upon real estate and the redemption of real estate from tax sales, be and the same is hereby amended to read as follows:

Redemption from tax sale by owner of lien permitted.

"Section 1. That whenever any person or corporation shall desire to redeem from a tax sale, or to pay any tax upon any lot, piece or parcel of real estate which said person or corporation shall own or hold a mortgage or other lien against, or have any interest in, it shall be the duty of the County Treasurer of the County in which such real estate is situated, to permit such redemption or payment; and in case the said real estate shall have been assessed or sold, together with other real estate, or in case the tax assessed against any other property shall be a lien thereon, then it shall be the duty of the said County Treasurer to compute and apportion the tax that should have properly been assessed against the said real estate sought to be redeemed, or upon which the taxes are sought to be paid, if the same had been separately assessed, any personal tax which is a lien upon said real estate shall be likewise computed and apportioned, and upon the payment of the amount ascertained by said computation and apportionment, to the said County Treasurer, such real estate shall be discharged from the lien of all taxes levied and assessed against the same for the year in which the payment or redemption was made."

When assessed or sold with other realty.

Amount against particular property to be computed.

Personal tax to be computed.

Discharge from tax lien.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 3, 1919.

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CHAPTER 74.

"An Act Relating to Concealed Weapons, Prohibiting the Carrying of Concealed Weapons and Providing for Permits to Carry the Same, and to Repeal Sections 8582, 8583, 8584, 8585, 8586, 8587, 8588 and 8589 of the Revised Codes of Montana of 1907, and to Repeal Chapter 58 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Carrying concealed weapons within limits of city or town.

Section 1. Every person who within the limits of any city or town carries or bears concealed upon his person a dirk, dagger, pistol, revolver, sling shot, sword cane, billy, knuckles made of any metal or hard substance, knife having a blade four inches long or longer, razor, not including a safety razor, or other deadly weapon, shall be punished by a fine not exceeding Five Hundred Dollars ($500), or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment, or may be punished by imprisonment in the State Penitentiary for a period not exceeding five years."

Penalty.

Carrying concealed weapons outside of limits of city or town.

Section 2. Every person who without the limits of any city or town carries or bears concealed upon his person a dirk, dagger, pistol, revolver, sling shot, sword cane, billy, knuckles made of any metal or hard substance, knife having a blade four inches long or longer, razor not including a safety razor not capable of being used as an ordinary razor, or other deadly weapon, shall be punished by imprisonment in the County Jail for a term not less than six months nor more than one year, or by a fine not less than Twenty-five Dollars ($25.00) nor more than three hundred dollars, or by both such fine and imprisonment.

Penalty.

Persons to whom section not applicable.

Section 3. The preceding sections shall not apply to:

1. A sheriff or his deputy;
2. A marshal or his deputy;
3. A constable or his deputy;
4. A police officer or policeman;
5. A United States marshal or his deputy;
6. A person in the secret service of the United States;
7. A game warden or his deputy;
8. An U. S. Forest Reserve official or his deputy;
9. A person in actual service as a National Guardsman;
10. A revenue officer or his deputy;

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11. A person summoned to the aid of either of the foregoing named persons;

12. A civil officer or his deputy engaged in the discharge of official business.

13. A person authorized by a judge of a District Court of this State to carry a weapon:

14. The carrying of arms on one's own premises or at his home or place of business;

15. Any peace officer of the State of Montana.

Arrest without warrant.

Section 4. Any person violating any of the provisions of sections one or two of this Act may be arrested without warrant by any peace officer and lodged in a town, city or county jail; and any Peace Officer who shall fail or refuse to arrest such person on his own knowledge, or upon information from some creditable person, shall be punished by a fine not less than twenty-five ($25.00) dollars nor more than five hundred ($500.00) dollars.

Penalty for officer failing to make arrest.

Judge of District Court may grant permit.

Application for permit to be filed, when.

Proof of character.

Permits not to be granted to whom.

Record of permissions.

Grantee to sign record.

Duty of clerk to issue certifiate.

Form of certificate.

Section 5. Any judge of a District Court of this state may grant permission to carry or bear concealed or otherwise a pistol or revolver for a term not exceeding one year. All applications for such permission must be made by petition filed with the clerk of the District Court, for the filing of which petition no charge shall be made. The applicant shall, if personally unknown to the judge, furnish proof by a credible witness of his good moral character and peaceable disposition. No such permission shall be granted any person who is not a citizen of the United States, and who has not been an actual bona fide resident of the State of Montana for six (6) months immediately next preceding the date of such application. A record of permission granted shall be kept by the clerk of the court, which record shall state the date of the application, the date of the permission, the name of the person to whom permission is granted, the name of the judge granting the permission, the name of the person, if any, by whom good moral character and peaceable disposition are proved, and which record must be signed by person who is granted such permission. The clerk shall thereupon issue under his hand and the seal of the Court a certificate, in a convenient card form so that the same may be carried in the pocket, stating:

"Permission to ....., authorizing him to carry or bear concealed or otherwise a pistol or revolver for the period of.....from the date hereof, has been granted by .....,
a judge of the District Court of the.....Judicial District of the State of Montana, in and for the county of.....

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Witness the hand of the clerk and the seal of said Court this..... day of ....., 19.....

.....

Clerk.

The date of the certificate shall be the date of the granting of such permission. The certificate shall bear upon its face the signature of the person receiving the same. Upon good cause shown the judge granting such permission may, and in his discretion without notice to the person receiving such permission, revoke the same, the date of the revocation being noted by the Clerk upon the record kept by him.

Permit may be revoked by court.

All permissions to carry or bear concealed weapons heretofore granted are hereby revoked.

Old permits revoked by this Act.

Section 6. Concealed weapons shall mean any weapon mentioned in the foregoing sections, which shall be wholly or partially covered by the clothing or wearing apparel of the person so carrying or bearing the weapon.

"Cancealed weapon" defined.

Section 7. A town, if unincorporated, within the meaning of this Act, shall consist of at least ten dwellings situated so that no one of said buildings is distant from another more than one hundred yards.

"Town" defined for purposes of Act.

Section 8. The district courts shall have original jurisdiction in all criminal actions for violations of the provisions of this Act.

Jurisdiction of District Court.

Section 9. Sections 8582, 8583, 8584, 8585, 8586, 8587, 8588 and 8589 of the Revised Codes of Montana of 1907, and Chapter 58 of the Session Laws of the Twelfth Legislative Asembly of the State of Montana (Session Laws of 1911, page 118), are each and all hereby repealed. All Acts and parts of Acts in conflict herewith are hereby repealed.

Laws repealed.

Section 10. This Act shall take effect and be in force on and after its passage and approval.

Approved March 3, 1919.

CHAPTER 75.

"An Act Establishing and Defining the Boundary Line Between Yellowstone County and Carbon County, State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the boundary lines between Yellowstone County and Carbon County, State of Montana, are

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Establishment of boundary lines between Yellowstone and Carbon counties.

by this Act established and shall be hereby known as follows:

Beginning at that point on the Yellowstone River where the west line of Section 21 in Township two (2) South, Range Twenty-four (24) East, Montana Principal Meridian, Montana, intersects the said river, thence south along the West line of Section 21 and the West line of Sections 28 and 33 in said township to that point on the Clark Fork River where it is intersected by said line; thence in a south-westerly direction along the said Clark Fork River to that point thereon where it is intersected by the west line of Section 8 in Township 3 South, Range 24 East, Montana Principal Meridian, Montana; thence south along the west line of said Section 8 and the West line of Sections 17, 20, 29 and 32 of said township to the southwest corner of Sections 32, township 3 South, Range 24 East, Montana Principal Meridian, Montana; thence east along the south line of said township to the southeast corner thereof, to connect with and intersect the present boundary line between the County of Yellowstone and the County of Carbon, except as thus changed and established the boundary lines between the County of Yellowstone and the County of Carbon shall be and remain as heretofore established.

Apportionment of bonded indebtedness of Carbon county.

Section 2. The Chairmen of the Boards of County Commissioners of the Counties of Yellowstone and Carbon, together with the Judge of the District Court of the Sixth Judicial District of the State of Montana shall meet at the Court House in the City of Billings, Montana, on a day to be named by said District Judge and proceed to equitably adjust and apportion, and shall equitably adjust and apportion between said counties the bonded indebtedness of Carbon County as same shall be affected by the territory segregated by this Act from said County of Carbon.

Warrant for Carbon county indebtedness.

Section 3. Immediately after said adjustment and apportionment, as provided for in this Act, shall have been made and certified to the said Boards of County Commissioners, the County Commissioners of Yellowstone County, if any sum shall have been apportioned to Carbon County, shall cause to be drawn, issued and attested a lawful warrant on the general fund of Yellowstone County payable to the County of Carbon in payment of the amount of indebtedness of Carbon County that shall have been apportioned to the territory hereby segregated from Carbon County and attached to Yellowstone County.

Section 4. That the Judge of the Sixth Judicial Dis-

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trict of the State of Montana for his services in acting upon said Commission shall receive, in addition to his salary as fixed by law, the sum of Twenty Dollars ($20.00) per day for the time that he shall actually be employed in the work of said Commission, and also his necessary traveling expenses, which shall be paid as may be directed by said Commission by either the County of Carbon or the County of Yellowstone, or in part by each of said Counties, upon presentation of verified claims to the Board or Boards of the County Commissioners required to pay such expenses.

Per diem and traveling expenses of judge.

How paid.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing caluse.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 76.

"An Act Authorizing the Employment by the State Board of Health of Montana of an Epidemiologist, Prescribing the Powers and Duties of such officer, Fixing His Salary and Making Appropriations for the Maintenance of Such Office."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Health of Montana is hereby authorized and empowered to employ a competent epidemiologist, who shall be known as the State Epidemiologist, and shall have the powers of a deputy State Health Officer under the direction of the Secretary of the State Board of Health of Montana, and be subject to the control of said Board.

State Board of Health authorized to employ a competent epidemiologist.

Powers of State Epidemiologist.

Section 2. The duties of the State Epidemiologist shall be to study the causes and prevalence of diseases in the State of Montana, to take the proper steps to check such diseases, and to assist the Local and County Health Officers in the suppression of these diseases and perform such other duties as the State Board of Health may direct.

Duties.

Section 3. The State Epidemiologist shall be a regularly qualified physician and surgeon and shall hold office at the discretion of the State Board of Health of Montana; he shall devote his whole time to the duties of the office, and shall receive as compensation for his services, such salary as may be fixed by the State Board of Health of Montana, not in excess of Three Hundred and Fifty Dollars ($350.00) per month together with his reasonable

Qualifications.

Shall devote his whole time to office.

Salary and expenses.

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and necessary travel and subsistence expense while actually traveling in the State on business of his office.

Appropriation. Section 4. The Sum of Six Thousand Dollars ($6,000.00) is hereby appropriated out of the General Funds of the State for the year 1919 and the sum of Six Thousand Dollars ($6,000.00) for the year 1920, to carry out the purposes of this act.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect on and after its passage and approval.

Approved March 3, 1919.

CHAPTER 77.

"An Act Defining the Crime of Sedition, and to Prescribe Punishment Therefor, and Declaring This Act to Be an Emergency Law Necessary for the Preservation of Public Peace and Safety."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person or persons who shall utter, print, write or publish any disloyal, profane, violent, scurrilous, contemptuous, slurring or abusive language about the United States, the government of the United States or the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States or the uniform of the army or navy of the United States,

Sedition defined. or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the army or navy of the United States into contempt, scorn, contumely or disrepute, or shall utter, print, write or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority, or who shall display the flag of any foreign enemy, or language spoken, urge, incite or advocate any curtailment of production in the United States of any thing or or who shall by utterance, writing, printing, publication things, product or products necessary or essential to the prosecution of any war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of any war; or who in time of war in which the United States may be

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engaged, shall wilfully make or convey false reports or statements with intent to interfere with the operation or success of the military or naval forces of the United States, or promote the success of its enemy or enemies, or shall wilfully cause, or attempt to cause, disaffection in the military or naval forces of the United States, or who shall by uttering, printing, writing, publishing, language spoken, or by any act or acts, interferes with, obstructs, or attempts to obstruct, the operation of any national selective draft law or the recruiting or the enlistment service of the United States to the injury of the military or naval service thereof shall be guilty of the crime of sedition.

Section 2. Every person found guilty of the crime of sedition shall be punished for each offense by a fine of not less than $200.00 nor more than $20,000.00, or by imprisonment in the State Prison for not less than one year nor more than twenty years, or by both such fine and imprisonment. In the event of a fine imposed for violation of any of the provisions of this Act and not paid, the guilty person shall be imprisoned for a period represented by credit of $2.00 per day until the amount of the fine is fully paid.

Penalty.

Imprisonment for non-payment of fine.

Section 3. This Act is hereby declared to be an emergency law and a law necessary for the immediate preservation of the public peace and safety.

Act declared an emergency law.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 78.

"An Act Providing That the Classification of any of the Public Lands of the State by the Board of Land Commissioners as Required by Section 1, Article XVII. of the Constitution Shall Be Final and Conclusive as Against the State After a Contract for the Sale of the Land so Classified Has Been Made and a Part of the Purchase Price Paid the State, so Long as the Purchaser Complies With His Contract."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That where any tract or parcel of the public lands of the State has been classified, or shall hereafter be classified by the State Board of Land Commissioners as required by Section 1 of Article XVII. of the

Classification of public lands, conclusive

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Constitution of the State of Montana, and a contract for the sale thereof has been regularly made and entered into, and a certificate of purchase covering such land has been regularly issued to the purchaser of such tract or parcel by and on behalf of the state, and the purchaser has paid any portion of the purchase price, and is not in default in accordance with the terms of the said contract of sale, the said classification by the State Board of Land Commissioners shall be final and conclusive as against the state, and shall not be questioned in any action or proceeding by or on behalf of the state or against the said state board of Land Commissioners, so long as the said purchaser complies with the terms of the said contract.

Section 2. All acts and parts of Acts in Conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 79.

"An Act Amending Section 8628 of the Revised Codes of Montana of 1907, Relating to Possession of Deadly Weapons."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 8628 of the Revised Codes of Montana of 1907 be, and the same is hereby amended to read as follows:

Carrying deadly weapon with felonious intent a felony.

"Section 8628. Every person having upon him a deadly weapon with intent to assault another is guilty of a felony, and upon conviction therefor shall be punished by imprisonment in the State Prison for a term of not less than one year nor more than five years."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

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CHAPTER 80.

"An Act to Amend Section 6343 of the Revised Codes of Montana, 1907, Relating to How Jurors Shall Be Selected."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 6343, Revised Codes, amended.

Section 1. That Section 6343 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

How selection of jurors shall be made.

"Section 6343. At the meeting, specified in the last section, the officers present must select, from the last assessment roll of the county, and make a list of the names of all persons qualified to serve as trial jurors, as prescribed in the last article."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 81.

"An Act to Amend Section 3138 of the Revised Codes of Montana of 1907, Relating to the Fees Allowed Sheriffs for Board of Prisoners."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 3138 of the Revised Codes of Montana of 1907 be amended so as to read as follows:

Fees allowed sheriffs for board of prisoners.

"Section 3138. (4605) Fees for board of prisoners. The fees allowed sheriffs of the several counties of the State for the board of prisoners confined in jail under their charge shall be at the rate of seventy-five cents (75c) per day for each of said prisoners when the number of prisoners shall be twenty or less each day, and when the number of the prisoners per day shall exceed twenty and be less than fifty, then at the rate of sixty cents (60c) per day for each of said prisoners in excess of twenty per day and less than fifty per day, and when the number of the prisoners per day shall exceed fifty, then at the rate of fifty cents (50c) per day for each of said prisoners in excess of fifty per day.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3, 1919.

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CHAPTER 82.

"An Act Appropriating Money for the Construction of a Bridge Across the Kootenai River at the Montana-Idaho Boundary Line, and Authorizing the State Highway Commission of Montana to Enter Into Negotiations With the Proper Authorities of the State of Idaho for the Purpose of Providing for the Joint Construction Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Appropriation for cinstruction of bridge across Kootenai River.

Section 1. There is hereby appropriated Ten Thousand ($10,000.00) Dollars, or so much thereof as may be necessary out of the General Fund of the State of Montana, for the construction of a wagon bridge across the Kootenai River, on the boundary line of the State of Montana and the State of Idaho.

State Highway Commission authorized to negotiate with authorities.

Section 2. The State Highway Commission of Montana is hereby authorized and empowered to enter into negotiations with the duly and legally constituted authorities of the State of Idaho, or of the County of Boundary in the state of Idaho and with the Board of Commissioners of Lincoln County, Montana or any or all of them, for

For what purposes.

the purpose of preparing the necessary plans and specifications for the construction of a wagon bridge across the Kootenai River on the boundary line of Montana and

May enter into what joint contracts.

Idaho, and said Commission is hereby authorized and empowered to enter into such joint and several contract or contracts as may be necessary and proper for the construction of such bridge. Provided, that the appropriation

Appropriation available, when.

herein made shall not become available until such time as the duly and legally constituted authorities of the State of Idaho, said county of Boundary of the State of Idaho and the Board of Commissioners of Lincoln County, Montana or any or all of them shall have made an appropriation or appropriations which with the appropriation hereby made shall amount to the sum of Thirty-five Thousand Dollars ($35,000.00) for the purpose of preparing

Contract for construction of bridge not to be entered into until, when.

plans and specifications and for the construction of such bridge, and no contract shall be entered into for the construction of such bridge unless the State of Idaho, said County of Boundary and said County of Lincoln or any or all of them is or are obligated to pay the difference between the cost of construction and said sum of Ten Thousand Dollars ($10,000) and said contract shall cover the cost of construction of the necessary approaches,

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rights of way and all things necessary to complete the work herein provided for.

Section 3. This Act shall take effect and be in full force from and after its approval.

Approved March 3, 1919.

CHAPTER 83.

"An Act Establishing and Defining the Boundary Lines Between Yellowstone County, Big Horn County and Carbon County."

Be it enacted by the Legislative Assembly of the State of Montana:

Establishment of boundary line between Yellowstone, Carbond and Big Horn counties.

Section 1. That the Boundary line between Yellowstone County, Carbon County and Big Horn County, State of Montana are by this act established and shall be hereby known as follows: Beginning at the southeast corner of Section twenty-four (24), Township four (Twp. 4) South, Range Twenty-four (Rge. 24) East, Montana Principal Meridian, thence east along the north line of Sections thirty and twenty-nine (Secs. 30 and 29), Township Four (Twp. 4) South, Range Twenty-five East (Rge. 25 E.) to that point where said line intersects and connects with the present boundary line between the County of Yellowstone and the County of Big Horn, thence in a southwesterly direction along the west boundary line of Big Horn County, to that point where the said west boundary line of Big Horn County intersects the East line of Township Five (Twp. 5) South, Range Twenty-four (Rge. 24) East, Montana Principal Meridian, Montana. Except as thus changed and established, the boundary lines between the county of Yellowstone, the County of Big Horn and the County of Carbon shall be and remain as heretofore established.

Apportionment of bonded indebtedness of Yellowstone county.

Section 2. The chairmen of the Boards of the County Commissioners of the Counties of Yellowstone and Carbon, together with the Judge of the District Court of the Sixth Judicial District of the State of Montana, shall meet at the Court House in the City of Billings, Montana, on a date to be named by said District Judge and proceed to equitably adjust and apportion and shall equitably adjust and apportion between the said counties of Carbon and Yellowstone, the bonded indebtedness of Yellowstone County as the same shall be affected by the territory segregated by this act from the said County of Yellowstone.

Section 3. Immediately after said adjustment and ap-

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Warrant for Yellowstone County indebtedness.

portionment, as provided for in this act, shall have been made and certified to the said Boards of County Commissioners, the County Commissioners of Carbon County, if any sum shall have been apportioned to Yellowstone County, shall cause to be drawn, issued and attested, a lawful warrant on the General Fund of Carbon County, payable to the County of Yellowstone in payment of the amount of indebtedness of Carbon County that shall have been apportioned to the territory hereby segregated from Yellowstone County and attached to Carbon County.

Per diem and traveling expenses of district judge.

Section 4. That the Judge of the Sixth Judicial District of the State of Montana, for his services in acting upon said commission shall receive in addition to his salary as fixed by law, the sum of twenty ($20.00) dollars per day for the time that he shall actually be employed in the work of said commission and also his necessary traveling expenses, which shall be paid as may be directed by said commission, by either the County of Carbon or the County of Yellowstone, or in part by each of said counties upon presentation of verified claims to the Board or Boards of County Commissioners required to pay such expenses.

How paid.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This act shall be in force and take effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 84.

"An Act to Amend Section 2894 of Revised Codes of Montana of 1907, Relating to the Jurisdiction and Powers of County Commissioners, by Amending Sudbivision 5 Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 2894, Revised Codes, amended.

Section 1. That section 2894 of the Revised Codes of Montana of 1907 prescribing the jurisdiction, powers, limitations and restrictions of county commissioners be amended by amending Subdivision 5, to read as follows:

Powers of county commissioners with reference to care and maintenance of indigent sick.

Subdivision 5. To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same; and to levy the necessary tax therefor, per capita, not exceeding two dollars ($2.00) and a tax on property not exceeding one-fifth of one

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per cent (1%) or either of such levies when both are not required, and to expend not to exceed five per cent (5%) of any such levy for the collection of said per capita tax or any part thereof.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

Note by Secretary of State: Chapter 84 (House Bill 365) and Chapter 94 (Senate Bill 158) relating to Jurisdiction and Powers of County Commissioners appear to be one and the same, both being enacted as law on March 3, 1919.

CHAPTER 85.

"An Act Transferring Money Received From the Last Levy Made for the Redemption of Bonds Issued for the Purchase of the State Hospital for the Insane Into the General Fund of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Excess funds received for State Hospital for the insane transferred to general fund.

Section 1. That all money received from the last levy made under authority of law for the redemption of bonds issued for the purchase of the State Hospital for the Insane and creating a fund in excess of that needed for the redemption of said bonds is hereby made to revert and is transferred to the General Fund of the State of Montana and is subject to appropriations made by the Sixteenth Legislative Assembly of the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 86.

"An Act to Authorize the Co-operation in This State by the State Board of Health With the Division of Venereal Diseases of the Bureau of the Public Health Service Created by Sub-Chapter XV. of Chapter 143 of the Act of Congress of July 9, 1918, Being a Part of the United States Army Appropriation Act for the Fiscal Year 1919, in the Prevention, Control and Treatment of Venereal Diseases: To Authorize the State Treasurer to Accept and Disburse Moneys Allotted to the State

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of Montana Under Sub-Chapter XV of Said Act of Congress: To Appropriate Money to Meet Such Allotments, and to Provide the State Board of Health With Funds for Administration."

Be it enacted by the Legislative Assembly of the State of Montana:

Venereal diseases, co-operation of State Board of Health in control of.

Section 1. For the purpose of the prevention, control and treatment of venereal diseases the State Board of Health shall have authority to co-operate in this State with the Division of Venereal Diseases of the Bureau of the Public Health Service created by Sub-Chapter XV of Chapter 143 of the Act of Congress of July 9, 1918, appropriating money for the United States Army and giving aid to the several states in the prevention, control and treatment of venereal diseases.

Duty of State Treasurer to accept and disburse Federal moneys.

Section 2. The State Treasurer is hereby authorized to accept under the conditions of said Act of Congress, and to disburse under the direction of the State Board of Health all moneys received by the State of Montana under said Sub-Chapter XV of Chapter 143 of said Act of Congress, or otherwise allotted and paid to the State of Montana by the Federal Government for the prevention, control and treatment of venereal diseases, and all moneys appropriated under this Act.

Appropriation to carry out provisions of Act.

Section 3. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Four Thousand Eighty-eight Dollars and Seventy-six cents $4,088.76) for the year ending February 28, 1920, and there is hereby appropriated the sum of Four Thousand Eighty-eight Dollars and Seventy-six cents ($4,088.76) for the year ending February 28, 1921, the same to be expended under the direction and control of the State Board of Health in the prevention, control and treatment of venereal diseases in this State.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 87.

"An Act to Amend Section 65 of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, Entitled: 'An Act Providing for the Management and Control of the Lands Now Owned

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by or Hereafter to Be Acquired by the State of Montana, Including the Sale and Rental Thereof, and the Management, Protection, and Disposition of the Timber Growing Thereon and the Coal, Oil, and Minerals Therein; Provided for the Management and Control of the Funds Realized From the Sale and Rental of State Lands and the Products Thereof; Naming and Providing for Certain Officers Subordinate to the State Board of Land Commissioners, and Prescribing Their Duties and Compensation; Providing for the Acquisition of Water-rights for Use Upon State Lands; and Defining and Providing for the Punishment of Certain Offenses for Violating the Provisions of This Act.' ''

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 65 of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Failure of successful bidder at state land sale to make payment and deliver his bond.

''Section 65. If any successful bidder at a public leasing or public sale refuses or neglects to make payment or deliver his bond as herein provided, he shall forfeit to the State the sum of Two Hundred Dollars, with costs; and the Attorney General shall institute a suit for the recovery thereof in the name of the State of Montana.''

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 88.

''An Act to Repeal Sections 2, 3, 4, 5, 6, 7 and 9 of the Act Initiated and Passed by the People of Montana at the General Election of November, 1912, Entitled, 'A Bill to Propose by Initiative Petition a Law to Limit Candidates' Election Expenses; to Define, Prevent and Punish Corrupt and Illegal Practices in Nominations and Elections; to Secure and Protect the Purity of the Ballot; to Provide for Furnishing Information to the Electors and to Provide the Manner of Conducting Contests for Nominations and Elections in Certain Cases.''

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Be it enacted by the Legislative Assembly of the State of Montana:

Election expense laws repealed.

Section 1. That Sections 2, 3, 4, 5, 6 7, and 9 of the Act initiated and passed by the people of Montana at the General Election of November, 1912, entitled, "A Bill to Propose by Initiative Petition a law to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," be and the same are hereby repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 89.

"An Act to Provide for the Classification of Lands in the State of Montana for Assessment and Taxation Purposes and to Authorize Boards of County Commissioners to Cause Such Classifications to Be Made, and to Provide for a Tax Levy to Pay for the Cost Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Equalization to provide for classification of lands.

Section 1. It is hereby made the duty of the State Board of Equalization, not later than June 1st, 1919, to provide for a general and uniform method of classifying lands, for the purposes for which they may be valuable, in the State of Montana for the purpose of securing an equitable and uniform basis of assessment of said lands for taxable purposes.

County Commissioners to provide for classification of lands.

Section 2. It is hereby made the duty of the Board of County Commissioners of the several counties of the State of Montana to provide, in such manner as they may determine, for the classification of all lands within their respective counties, which classification must be made and a record thereof kept upon such maps and plats, and entered in such books of record, as may be prescribed by the State Board of Equalization. Such maps and plats and books of record shall be official records of the county.

Classification shall constitute official records.

Payment to counties for cost of records.

A certified copy of all such records as may be desired shall be furnished to the State Board of Equalization and the State Board of Equalization shall provide for the pay-

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ment to the several counties the cost of preparing such copy of the records so provided for, as they may require.

Section 3. All lands shall be classified into:

How lands shall be classified.

1. Agricultural lands.
2. Irrigated or Non-irrigated lands.
3. Grazing lands.
4. Timber lands and stump lands.
5. Lands bearing stone, coal or valuable deposits.
6. Lands bearing natural gas, petroleum or other mineral deposits.
7. Lands which may be valuable for more than one purpose shall be so classified. All lands shall be classified in accordance with the legal subdivision thereof.

Additional classification.

The State Board of Equalization may provide for such other and additional sub-divisions of classification herein enumerated as they may deem proper.

"Classification Fund."

Section 4. The Board of County Commissioners shall create and establish a fund to be known as the "Classification Fund." All warrants drawn in payment of work and labor performed, or in payment of services rendered under any contract, for the classification of land in any county, shall be drawn on the "Classification Fund."

Tax levy upon real property.

The Board of County Commissioners of each county shall levy anually a tax not to exceed one mill upon the real property situate in said county, which shall be levied and collected in the same manner as other taxes.

Deposit of moneys collected.

All moneys collected in pursuance of the aforesaid levy shall be by the County Treasurer deposited to the credit of the "Classification Fund" and shall not be used for any purpose other than as herein provided. Whenever the classification of all lands in any county shall have been completed and all warrants drawn upon the classification fund shall have been paid, the special levy herein provided shall cease and shall not be made by the Board of County Commissioners.

Special levy shall cease, when.

Classification shall constitute basis of taxation.

Section 6. The Classification herein provided shall be full, complete and accurate, and shall be used as the basis upon which land values shall be fixed for purposes of assessment and taxation.

Assessment according to classification.

Section 7. It shall be the duty of the County Asssessor to assess all lands for taxation purposes in accordance with the classification, as made by the Board of County Commissioners.

Notice of classification.

Section 8. It shall be the duty of the Board of County Commissioners to cause to be mailed by registered mail, return card requested to each owner a notice of the classi-

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fication of the land owned by him. If the owner of any land is dissatisfied with the classification of his land, the Board of County Commissioners shall make such investigation as they deem necessary to determine the true and correct classification of such land and when so determined, the same shall be classified in the manner ordered by the Board of Commissioners.

Proceedings in case of dissatisfaction with classification.

Section 9. This Act shall be in force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 90.

"An Act to Amend Section 1923-A of the Revised Codes of 1907, as Amended and Extended by Chapter 121, Laws of the Twelfth Legislative Assembly of the State of Montana Relating to the State Board of Horticulture."

Laws amended.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1923-A of the Revised Codes of 1907, as amended and extended by Chapter 121, Laws of the Twelfth Legislative Assembly be, and the same is hereby, amended to read as follows:

Duty of State Horticulturist to enforce what laws.

"Section 1923-A. It shall be the duty of the State Horticulturist to enforce the laws of the state relative to the growing and marketing of fruits and traffic in nursery stock, the control and destruction of insect pests, fungus and bacterial diseases, the enforcement of the provisions relating to the licensing of firms, persons and corporations engaging in the business of selling or importing fruits, trees, plants or nursery stock in this state, the collecting and publishing of information and statistics pertaining to horticulture, to keep a correct record of the transactions of the Board of Horticulture, supervise and direct the Horticultural Inspection Service, and the dissemination of horticultural knowledge, and the performance of such other duties as may be prescribed by law. He shall appoint as many local inspectors as he may deem necessary to conduct the work, as far as the available funds may allow, and such inspectors shall receive such sum per day as the said Board of Horticulture may agree upon, provided such sum shall, in no case, exceed the sum of Five Dollars per day, for the time actually employed. If the funds permit he may hold an annual

To collect and public statistics.

To keep record.

Supervise horticultural inspection service.

Other duties.

Appointment of local inspectors.

Compensation of local inspectors.

Annual inspector's institute.

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inspector's institute at least once each year for the purpose of instructing and training the inspectors in their work, giving each inspector a written notice of such meetings at least ten days before the date of such meeting. He shall preside over and formulate the proceedings of the institute, which shall consist of lectures on insect pests and diseases, methods of control of the same and other matters pertaining to the horticultural interests. Inspectors attending these institutes who have reported regularly each month shall be allowed their actual traveling expenses and hotel bills on vouchers endorsed by the State Horticulturist. Inspectors attending these institutes from points where inspection fees are less than twenty-five dollars per year shall be paid from the horticultural fund a sufficient amount to make their fee equivalent to twenty-five dollars per year upon recommendation of the State Horticulturist, providing available funds warrant it. The State Horticulturist may employ one secretary at a salary not to exceed one hundred and twenty-five dollars per month who shall be continually in the office of said State Horticulturist during office hours. The State Horticulturist shall prescribe the duties of the secretary, who shall hold appointment at the pleasure of the State Horticulturist.

Notice of meeting.

To preside and formulate proceedings of meeting.

Subjects of lecture.

Expenses of inspectors attending meetings.

May employ one secretary. Salary of secretary.

Duties of secretary.

Salary of State Horticulturist.

The said State Horticulturist shall receive an annual salary of Two Thousand Five Hundred Dollars, payable monthly in the same manner as other state officers; also his actual and necessary expenses when away from his office on official business.

Expenses.

Limit to amount of certain expenses.

Said State Horticulturist may also expend for stationery and postage, publishing, printing, office and office room rent, the sum not to exceed Two Thousand Dollars per year. Said sum shall be allowed by the State Board of Examiners, on the presentation of proper vouchers therefor."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 3, 1919.

CHAPTER 91.

"An Act Amending Chapter 27 of the Fourteenth Session Laws of the State of Montana, Relating to the Taking, Using, Driving, Operating or Removing Any Automo-

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bile or Motor Vehicle Without the Consent of the Owner."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1 That Chapter 27 of the Fourteenth Session Laws of the State of Montana be, and the same is hereby amended to read as follows:

Chauffeur taking, using, operating or removing automobile without owner's consent.

"Section 1. Any chauffeur or other person, who without the consent of the owner shall take, use, operate or remove, or cause to be taken, used, operated or removed from a garage, stable, or other building or place, or from any place or locality on a private or public highway, park or park way, street, lot or field, alley, enclosure or space, any automobile or motor vehicle, and operate or drive, or cause the same to be operated or driven, for his own profit, use or purpose, or for the profit, use or purpose of another, and shall be punished by a fine not exceeding $500 or by imprisonment in the county jail not exceeding six months, or by imprisonment in the State Prison not exceeding five years."

Penalty.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 92.

"An Act to Amend Section 2933 of the Revised Codes of the State of Montana, Relating to Borrowing Money by the Board of County Commissioners."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 2933 of the Revised Codes of the State of Montana be and the same is hereby amended to read as follows:

Limit of amount county commissioners may borrow for single puprpose without election authorizing same.

"Section 2933. The Board of County Commissioners must not borrow money for any of the purposes mentioned in this title, or for any single purpose to an amount exceeding Ten Thousand Dollars without the approval of a majority of the electors of the county, and without first having submitted the question of a loan to a vote of such electors; provided, that it shall not be necessary to submit to the electors the question of borrowing money to refund outstanding bonds, or for the purpose of enabling any county to liquidate its indebtedness to another county incident to the creation of a new county or the change of any county boundary lines."

When not necessary to submit question to electors.

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Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 93.

"An Act to Amend Section 2 of Chapter 12 of the Laws of the Eleventh Legislative Assembly, Entitled 'An Act to Provide That the State Auditor Shall Also Be Designated as Commissioner of Insurance, Ex-Officio, and to Provide for the Appointment of a Deputy State Auditor Who Shall Also Be Known as Deputy Commissioner of Insurance, and to Fix His Salary and to Provide for the Employment of an Actuary."

Be it enacted by the Legislative Assembly of the State of Montana:

Laws amended.

Section 1. That Section 2 of Chapter 12 of the Laws of the Eleventh Legislative Assembly be, and the same is hereby amended so as to read as follows:

Salary of deputpy commissioner of insurance.

"Section 2. That the Deputy Commissioner of Insurance shall receive a salary of Twenty-Four Hundred Dollars ($2,400) per annum, payable monthly."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

CHAPTER 94.

"An Act to Amend Section 2894 of the Revised Codes of Montana of 1907, Relating to the Jurisdiction and Powers of County Commissioners by Amending Subdivision Five Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Laws amended.

Section 1. That Section 2894 of the Revised Codes of Montana of 1907, prescribing the jurisdiction, powers, limitations and restrictions of County Commissioners be amended by amending Subdivision 5, to read as follows:

Powers of county commissioners to provide and care for indigent sick.

Subdivision 5. To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same; and to levy the necessary tax therefor, per capita, not exceeding two dollars and a tax on property not exceeding one-fifth of one per

Limit to poor poll tax.

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cent, or either of such levies when both are not required, and to expend not to exceed five per cent of any such levy for the collection of said tax or of any part thereof.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

Note by Secretary of State: Chapter 84 (House Bill 365) and Chapter 94 (Senate Bill 158) relatin to Jurisdiction and Powers of County Commissioners appear to be one and the same, both being enacted as law on March 3, 1919.

CHAPTER 95.

"An Act to Amend Section 2 (a) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly, Known as the Workman's Compensation Act," Relating to the Salary of the Chairman of Industrial Accident Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 2 (a) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly, of the State of Montana, be and the same is amended to read as follows:

Creation of Industrial Accident Board. Members.

"Section 2 (a). There is hereby created a Board to consist of three members; the Commissioner of Labor and Industry shall be one member, the State Auditor shall be one member, and one member shall be appointed by the Governor, which board shall be known as the Industrial Accident Board, and shall have the powers, duties and functions hereinafter conferred. The term of office of the appointed member of the board shall be for four years and until his successor shall have been appointed and qualified. He shall receive an annual salary of Six Thousand Dollars, payable monthly, and shall be the Chairman of the Board. The Board shall elect one of their number as Treasurer of the Board."

Salary of appointed member.

Section 2. That this Act shall be in full force and effect on and after its passage and approval.

Approved March 3, 1919.

CHAPTER 96.

"An Act to Amend and Re-enact Sections XXIII and 54 of Chapter 146 of the Montana Session Laws, 1909, and by Adding Section 68 Thereto, Relating to the Creation,

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Organization, Government, Change of Boundaries and Dissolution of Irrigation Districts."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section XXIII of Chapter 146 Montana Session Laws 1909, is hereby amended to read as follows:

Section XXIII: The boundaries of any irrigation district organized hereunder may be changed in the manner herein prescribed; provided such change of the boundaries of the district shall not impair or affect its organization or its rights in or to property or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not be made.

Irrigating district boundaries may be changed, how.

Change not to affect what.

Whenever lands have been included within the boundaries of an established and organized irrigation district which from their location or conformation cannot be successfully irrigated by the irrigation works or system already constructed or proposed to be constructed, or the cost of irrigating the same will become burdensome upon the land owners of the district, a majority in number of the holders of title or evidence of title to the land included in such district, such holders of title or evidence of title also representing a majority in acreage of said lands, may petition the district court of the county in which the lands of the district, or the greater portion thereof, are situated, for an order or decree changing the boundaries of the district by the elimination therefrom of such lands. The petition for this purpose must be signed by the required number of holders of title or evidence of title to lands within such district as hereinbefore specified and the same shall be filed with the Clerk of the District Court as herein designated. Such petition shall set forth:

Non-irrigable lands in district may be excluded, when and how.

Petition to district court.

Petition must be signed by whom, and filed, when.

(1) The name of the district.

(2) A general description of the lands to be eliminated or excluded from the district.

Contents of petition to change boundaries.

(3) The names of the holders of title or evidence of title to the lands sought to be excluded; also the names of the holders of title or evidence of title to the remainder of the lands of said district ascertained in the manner mentioned in Section 1 of Chapter 146 of the Session Laws of 1909 as amended by Chapter 153 of the Montana Session Laws of 1917; and if any holder of title is a non-resident of the county or counties in which the district

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lies, the post office address of such non-resident owners, if known.

(4) A brief description of the character of the works, water rights, canals and other property acquired or proposed to be acquired or constructed for irrigation purposes in the district.

(5) A brief statement of the reasons why the lands sought to be excluded should be eliminated from the district.

(6) A prayer for the exclusion of the lands sought to be eliminiated therefrom.

Map or plat required.

The petition shall be accompanied with (1) a map or plat of the district showing thereon the lands sought to be eliminated therefrom, and (2), a good and sufficient

Bond for costs.

bond or undertaking to be approved by the district court or judge thereof of the county in which the petition is required to be filed under the provisions hereof, to pay all costs in and about the proceedings and the hearing thereof in the event that said petition is denied.

Errors in description of land.

Mere error or omission in the description of any lands or in the names of any of the holders of title or evidence of title to lands shall not operate to render invalid any proceedings hereunder or to deprive the district court of jurisdiction of the subject matter.

Order of hearing petition.

On such petition being filed, the district court or judge thereof shall make an order fixing the time and place of hearing on the petition and directing that notice thereof

Publication of notice.

be given. Thereupon the clerk of said court shall cause to be published at least once a week for two successive calendar weeks in some newspaper published in the county where the said petition is filed a notice stating the time and place by the said district court fixed when and where the hearing on said petition will be had and containing a brief statement of the matters set forth in said petition and the object thereof; that if any portion of the lands

When lands lie in more than one county.

sought to be excluded from the district lie within any other county or counties then said notice shall be published as above provided in a newspaper published in each such other county.

Date of first publication.

The first publication of said notice shall be not less than thirty (30) days prior to the time mentioned in said notice for said hearing.

Copies of notice to be mailed to whom, and when.

If any holder of title or evidence of title to lands sought to be excluded from the district is a non-resident of the county or counties in which the district lies, the clerk of said court shall within three days after the first publication aforesaid mail a copy of said notice to each such non-

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resident whose post office address is stated in said petition. The certificate of the clerk of the district court under the seal of the court as to the facts of the publishing and mailing of said notice affixed to a copy thereof shall be sufficient evidence of such facts.

Certificate of publication.

At the time specified in the notice the district court in which the petition is filed shall hear the petition, but may adjourn such hearing from time to time, not exceeding two weeks in all, and may continue the hearing for the want of sufficient notice or other good cause. The court upon application of the petitioners shall permit the petition to be amended and may order further or additional notice to be given. Upon such hearing all persons interested whose lands or rights may be damaged or benefited by the granting of the petition or the exclusion of the lands from the district may appear and contest the necessity or justice of the Court's making an order granting such petition in whole or in part, and the contestants and petitioners may offer any competent evidence in regard thereto.

Hearing of petition and adjournments.

Amendments.

Who may appear and oppose granting of petition.

It shall be the duty of the court to hear and determine whether the requirements as herein set forth have been complid with and for that purpose shall hear all competent and relevant testimony that may be offered.

Duty of court to hear and determine what.

The court may grant such petition in whole or in part and may make an order making such changes in the boundaries of the district by the exclusion of such lands therefrom as may be deemed advisable or as fact, right and justice may require.

Power of court in rendering judgment.

Such order shall be conclusive upon all of the owners of lands within the district and shall be final unless appealed from to the Supreme Court within sixty days of the entry of said order. For the purposes of any such appeal such order shall be regarded as a final judgment of said district court. A copy of such order duly certified to by the clerk of said court shall be filed for record within thirty days after such order is made and entered with the County Clerk and Recorder of the county wherein lands included within such district are situated; provided, however, there shall be omitted from such copy lands not situated in the county in which such copy is filed.

Order to be conclusive upon whom.

Appeal to Supreme Court.

Order to be filed for record, when.

Section 2. That Section 54 of Chapter 146 of Montana Session Laws of 1909 is hereby amended to read as follows:

Law amended.

Section 54: On or before the second Monday in September of each year the Board of Commissioners shall

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County commissioners to furnish county clerk a list of lands and taxes.

furnish the County Clerk in each county in which any of the lands of the district are situate a correct list of all the district lands in such county, together with the amount of the total taxes or assessments against said lands for district purposes and the County Clerk of each county shall immediately thereafter cause said assessment roll to be entered in the assessment book of said county of each year, and prior to the delivery of the duplicate assessment book to the County Treasurer. The County Treasurer of each county shall collect such taxes or assessments at the same time and in the same manner as county and state taxes.

Duty of clerk to enter taxes on the assessment roll.

County treasurer shall collect taxes.

Law amended.

Section 3. That Chapter 146 of Montana Session Laws of 1909, is hereby amended by adding thereto section 68 as follows:

District may be dissolved by order of court, when.

Section 68: Whenever an irrigation district has been organized under the provisions of this act, and no irrigation plant or system for the irrigation of the lands in the district has been constructed or purchased and no bonded indebtedness has been incurred and all expenses for the organization and all other indebtedness of the district have been paid, then such district may be dissolved by an order of the district court of the county in which the lands or the greater portion of the lands are situate. In order that the district court may acquire jurisdiction to enter such order dissolving the district, a petition must be filed with the clerk of said district court signed by an equal number of holders of title or evidence of title as are required to sign the original petition for the creation of the district. The district court must make an order for the hearing of said petition within thirty (30) days from its filing and the clerk of the court must give due notice of the hearing of such petition by posting three (3) notices in three (3) public places in said district and by publication of a notice of the hearing for two (2) successive weeks in a newspaper of general circulation published in the county. Upon the hearing of said petition any person interested may appear and give evidence for or against the granting of said petition. If upon said hearing the court finds that no bonded indebtedness of the district has been created and all of the expenses of organization and all other indebtedness has been paid and that the best interests of the land owners of said district require that the district shall be dissolved, the district court shall make such order dissolving said district and shall cause a certified copy of the order to be recorded in

Petition of dissolution must be signed by whom.

Order of hearing to be made, when.

Notice of hearing.

Who may appear and give evidence.

Order of dissolution may be made, when.

Record of order.

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the office of the County Clerk and Recorder of said county.

Section 4. That Section 51 of Chapter 146 of the Montana Session Laws, 1909, and all acts and parts of acts in conflict herewith are hereby repealed. Law repealed.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 97.

"An Act to Amend Sections Sixteen (16), Seventeen (17), Eighteen (18) and Twenty (20) of Chapter 122 of the Acts of the Fourteenth Legislative Assembly of the State of Montana Entitled 'An Act to Amend Chapter 113 of the Laws of 1911, Relating to the Registration of Electors in Counties, Cities, Towns and School Districts.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16 of Chapter 122 of the Acts of the Fourteenth Legislative Assembly of the State of Montana for the year 1915 be amended so as to read as follows: Law amended.

"Section 16. The County Clerk shall close all registration for the full period of forty-five days prior to, and before any election. He shall immediately transmit to the Secretary of State a certificate showing the number of voters registered in each precinct in said county. The County Clerk of each county must cause to be published in a newspaper within his county, having a general circulation therein, for thirty days before which time when such registration shall be closed for any election, a notice signed by him to the effect that such registration will be closed on the day provided by law, and which day shall be specified in such notice; and must also state that electors may register for the ensuing election by appearing before the County Clerk at his office, or by appearing before a Deputy Registrar or before any Notary Public or Justice of the Peace in the manner provided by law. The publication of such notice must continue for the full period of thirty days. At least thirty days before the time when the official register is closed for any election, the County Clerk shall cause to be posted, in at least five conspicuous places in each voting precinct at such elec-

County clerk shall close registration, when.

Certificate of number registered.

Notice of closing and publication thereof.

Contents of notice.

Duration of publication.

Posting of notices.

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tion, notice of the time when the Official register will close for such election."

Law amended.

Section 2. That Section 17 of Chapter 122 of the Acts of the Fourteenth Legislative Assembly of the State of Montana for the year 1915 be amended so as to read as follows:

Posting of list of electors entitled to be registered.

"Section 17. The County Clerk shall, at least thirty days preceding any election, cause to be printed and posted a list of all electors entitled to be registered, as shown by the official register of the county, and who are on the precinct registers as entitled to vote in the several precincts of such county, city or town, or school district of the first class. Such printed list of registered electors shall contain the name of the elector in full, together with his residence, giving the number and street, or the name of the house, or the section, township and range, as shown by the official register card of the elector, and the registry number. The expense of printing said list shall be paid by said county, city or town, or school district in which the election is to be held. The County Clerk shall cause to be posted, not less than thirty days before any such election, as in this Act provided for, at least five copies of such printed registry list in at least five conspicuous places within the said precinct, a copy of the list of registered voters herein provided for, and shall retain a sufficient number of said printed lists of registered voters in his office as may be necessary for the convenience of the public. He shall furnish to any qualified elector of any county, city or town or school district applying therefor a copy of the same."

List to contain what.

Expense of printing lists.

Lists to be posted, when.

Copies for the public.

Law amended.

Section 3. That Section 18 of Chapter 122 of the Acts of the Fourteenth Legislative Assembly of the State of Montana for the year 1915 be amended so as to read as follows:

Poll books to be prepared, when.

"Section 18. During the time intervening between the closing of the official register and the day of the ensuing election the County Clerk shall prepare for each precinct a book to be known as the "poll book", which shall be for the use of the clerks and judges of election in each such precinct. Such books shall be arranged for the listing of the names of the electors in alphabetical divisions, each division to be composed of ruled columns with appropriate headings, under which the information contained upon the registery card of each elector shall be transcribed, excepting the oath of the elector, and the certified copy of the poll books so prepared shall be deliv-

Arrangement of poll books.

Copy of poll books to be delivered to whom.

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ered to the judges of the election at or prior to the open- of the polls in each precinct. Where the precincts in municipal elections, or in elections in school districts of the first class include more than one county precinct, the County Clerk shall combine into one poll book the names of all electors in the several precinct registers of the precincts of which such municipal or school district precinct is composed. The County Clerk shall omit from the list of names of all certified voters so inserted in the poll book herein provided for, the names and registry of all electors which it is the duty of the County Clerk to cancel under the provisions of Section 20; provided that the requirements contained in the provisions of Section 20 shall have been brought to the attention of the County Clerk not less than twenty (20) days preceding the election."

Names to be combined in one book in certain precincts.

Names to be omitted from lists.

Section 4. That Section 20 of Chapter 122 of the Acts of the Fourteenth Legislative Assembly of the State of Montana for the year 1915 be amended so as to read as follows:

Law amended.

"Section 20. The County Clerk must cancel any registry card in the following cases:

Registry cards which shall be cancelled.

1. At the request of the party registered.

2. When he has personal knowledge of the death or removal from the county of the person registered or when duly authenticated certificate of the death of any elector is filed in his office.

3. When there is presented and filed with the County Clerk the separate affidavit of three qualified registered electors residing within the precinct, which affidavit shall give the name of such elector, his registry number and his residence, and which affidavit shall show that of the personal knowledge of the affiant, that any person registered does not reside or has removed from the place designated as the residence of such elector.

4. When the insanity of the elector is legally established.

5. Upon the production of a certified copy of a final judgment of conviction of any elector of felony.

6. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

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CHAPTER 98.

"An Act Relating to Bounty Certificates and Claims: Requiring Such Certificates and Claims to Be Filed and Registered in the Office of the Livestock Commission: Providing for an Examination and Investigation Thereof by the Livestock Commission: Providing for the Allowance, Approval and Payment Thereof and Repealing Section 7 of Chapter 127 Acts of the Fourteenth Legislative Assembly Relating to the Levying of a Tax for the Payment of Bounties, Stock Inspection and Indemnity Purposes."

Be it enacted by the Legislative Assembly of the State of Montana:

Bounty claims and certificates shall be filed, when.

Section 1. All bounty claims and certificates issued by the county clerks and recorders of the several counties of this state under the provisions of Section 1 of Chapter 91, Acts of the Thirteenth Legislative Assembly, and acts amendatory thereof and supplemental thereto, shall be filed in the office of the Live Stock Commission and registered in a book provided for that purpose.

Live Stock Commission shall investigate all bounty claims and certificates.

May require additional proofs.

Section 2. It shall be the duty of the Live Stock Commission to examine into and investigate every such bounty claim and certificate filed with such commission, and in making such examination and investigation the Commission may require the holder of any such certificate or claim to furnish the Commission with such additional proof or evidence with reference thereto as the Commission may deem necessary and proper, and such evidence may be either oral or documentary as required by the commission. The Live Stock Commission shall, after making such examination and investigation, endorse on such certificate or claim its approval or disapproval thereof, and if the same or any part thereof be disapproved, such endorsement shall state the reasons for such disapproval. If any such certificate or claim be disapproved by the Commission, either in whole or in part, the Commission shall immediately notify the holder thereof of the action of the Commission and the reasons therefor, and the date when said certificate or claim will be presented to the State Board of Examiners for its action thereon.

Shall approve or disapprove such claims.

Indorsements.

Notice to holder when claim is disapproved in whole or in part.

Claims and certificates to be delivered to State Board of Examiners, when.

Section 3. The Live Stock Commission shall, after such examination and investigation has been completed and the proper endorsement has been made on such certificate or claim, deliver the same to the State Board of Examiners for allowance or disallowance.

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Section 4. If the State Board of Examiners approve and allow any such certificate or claim, they must endorse thereon over their signatures "Approved for the sum of .....Dollars" and transmit the same to the office of the State Auditor, and the Auditor must draw his warrant on the State Bounty Fund for the amount so approved and allowed, in favor of the claimant, or his assigns, in the order in which the same was approved. If there be insufficient funds in the State Bounty Fund to pay any warrant, it must be registered and thereafter paid in the order of its registration, and such warrant shall bear interest at the rate of four per cent per annum from the date of its registration until called in for payment.

Indorsement by Board of Examiners.

Auditor must draw warrant, when.

Warrant to be registered, when.

Interest.

Section 5. Section 7 of Chapter 127, Acts of Fourteenth Legislative Assembly and all other acts and parts of acts in conflict herewith are hereby repealed.

Law repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 99.

"An Act to Amend Sections 4313, 4315, and 4317 of the Revised Codes of the State of Montana of 1907 Relating to Liability for Killing Stock."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4313 of the Revised Codes of the State of Montana, of 1907, be amended so as to read as follows:

Section 4313, Revised Codes, amended.

Section 4313. In case any corporation, association, or company, person or persons shall comply with the provisions of Section 4311 (953), of this Chapter.

It shall be the duty of the owner or owners of any animal or animals, killed or injured as aforesaid, or his agent, or their agent, within sixty days after information shall have reached him or them of the killing or injury of such animal or animals, to make affidavit of such ownership and the market value of the animal or animals, so killed, or the amount of damages occasioned by such injury, and deliver the same to the person in charge of the said book or any station agent or claim agent of said company, corporation, association or person, and thereupon the said corporation, association, company, person or persons, shall have fifty days within which to pay the

Affidavit of ownership and value.

Period for payment of claims.

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amount claimed, and no action shall be instituted for the recovery of the value of or damages to such animals or animal until the expiration of said time. And whenever any of the livestock referred to in this Chapter shall be injured or killed as therein recited, and the owner or owners thereof shall thereafter institute an action for the recovery of the loss or damage so sustained by him, or them, the Court in which such action shall be brought shall tax, as a part of the costs therein, a reasonable sum, to be fixed by the Court, as a fee to the attorney of the prevailing or successful party for conducting such action, which said fee so fixed and allowed shall be collected in like manner as other costs: provided, that no such fee shall be allowed by the Court or collected from the defendant when it shall appear from the pleadings or proof, in any such action, that the defendant prior to the institution of such action, offered or agreed to pay to the plaintiff therein, in settlement of the loss or damages claimed, a sum equal to or in excess of the amount recovered as damages in said action.

Attorney fee to be taxed as part of costs.

Attorney fee not allowable, when.

Section 4315, Revised Codes, amended.

Section 2. That Section 4315 of the Revised Codes of the State of Montana, of 1907, be amended so as to read as follows:

Recovery by the secretary of the State Board of Stock Commissioners.

Section 4315. That where live stock are killed by railroad corporations in violation of Section 4308 of the Civil Code, as amended by Chapter 29, Laws of 1905, in the event the owner of any such live stock shall not claim or assert any claim against such railroad or railroad corporation for the value of the live stock so killed within six months from the date such animal or animals are killed, the Secretary of the State Live Stock Commission is hereby authorized, required and directed to demand and receive from such railroad or railroad corporation payment in damages for such live stock, and the said Live Stock Commission is hereby empowered and directed to institute and prosecute in the name of the state actions against such railroad or railroad companies in any court of competent jurisdiction to recover damages in the event of the failure, neglect or refusal of such railroad or railroad companies to make payment of the amount of the claim filed by the Secretary of the State Live Stock Commission upon demand as herein provided. The money so recovered shall be paid over to the Secretary of the State Live Stock Commission and shall be by him placed and held in a separate fund and disposed of as herein provided. Such money shall be held by the Secretary of the State Live Stock Commission for a period of two years

Disposition of money recovered.

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after the date of its receipt, and in the event that the lawful owner of the animal killed does not present and prove his claim to the net proceeds received from the animal killed, within said time, the same shall be paid over to the State Treasurer of the State of Montana, and be by him placed to the credit of the Estray Fund. However, should the owner of the animal killed present and prove his claim within the time herein provided, the Secretary of the State Live Stock Commission is hereby authorized and empowered to pay such claimant the amount of money to which he is entitled for the animal or animals so killed by any railroad or railroad company, the damages for which have been collected by the said State Live Stock Commission or the Secretary thereof, as provided in this Act. In all actions prosecuted for the recovery of the value of live stock killed under the provisions of this Act the prevailing or successful party shall recover all costs. In the event the owner of any animal or animals killed has not presented his claim against the railroad or railroad company which caused the same to be killed, any settlement made or obtained by the State Livestock Commission or the Secretary thereof shall constitute a bar as against any action by the owner of such animal or animals.

Prevailing party shall recover costs.

Settlement constitutes bar to action, when.

Section 3. That Section 4317 of the Revised Codes of the State of Montana, of 1907, be amended so as to read as follows:

Section 4317, Revised Codes, amended.

Section 4317. In all cases where any corporation, association, company, person or persons shall kill, or shall injure any animal to such extent that it is necessary to kill the same, as provided in this Chapter, they are hereby required and compelled to skin the same and shall preserve the whole of said hide, or so much thereof as can be preserved, including the head and ears, and shall be entitled to the carcass and hide thereof, unless the owner or owners thereof shall claim the same, in which event the amount of the value thereof shall be deducted from the amount of damages which would otherwise be due. But, in case such corporation, association, company, person or persons so entitled thereto shall take said carcass and hide, they shall skin such animal or animals, as herein provided, and shall deposit the hide thereof at the station designated on their line, such station to be designated by the Secretary of the State Livestock Commission, during the space of sixty days, for the inspection of persons claiming to be interested therein, and in the event no person shall claim any such animal, then before such

Carcass and hide of animal.

Value of carcass and hide to be deducted, when.

Animal to be skinned and hide exposed to inspection, when.

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Notification of stock inspector before disposal of hide.

corporation, association, company, person or persons shall dispose of such hide, they shall notify the Stock Inspector of the district within which the animal was killed who shall inspect such hide for marks and brands and receive from such stock inspector his authority, in writing, to dispose of such hide and it shall be the duty of the stock

Duty of stock inspector.

inspector to notify any and all owners of such stock if known or ascertainable from said inspection of the death of such animal, and if the owner is unknown the stock inspector shall notify the Secretary of the Stock Commission of the death of such animal or animals.

Penalty for violation of Act.

Section 4. Any person or persons violating any of the provisions of this Act shall, upon conviction thereof, be punished by a fine of not less than Ten Dollars ($10.00) nor more than Three Hundred Dollars ($300.00) or by imprisonment in the county jail for a period of not less than ten (10) days nor more than sixty (60) days, or by both such fine and imprisonment.

Repealing clause

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect sixty days from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 100.

"An Act to Amend Sections 3(e), 4(a) 10(a), 16(a), 16(b), 16(c), 16(d), 16(i), 16(o), 35(d) and 35(g) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, Known as the 'Workmen's Compensation Act,' Relating to the Collection of Assessment Premiums by Public Corporations; owing by Contractors for Such Public Corporations; the Defining of Employers Engaged in Hazardous Occupation; the Defining of what Constitutes a Claim; Providing a Maximum Compensation of $12.50 Per Week for Employees Sustaining Injuries, or in Case of Death, Their Beneficiaries or Dependents; the Conversion of the Monthly payment Into Lump Settlement and the Compromise and Approval of Claims; and Providing for Deposit by Insurance Companies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3(e) of law, amended.

Section 1. That Section 3(e) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

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"Section 3(e). Where a public corporation is the employer, or any contractor engaged in the performance of contract work for such public corporation, the terms, conditions and provisions of Compensation Plan Number Three shall be exclusive, compulsory and obligatory upon both employer and employee. Any sums necessary to be paid under the provisions of this Act by any public corporation shall be considered to be ordinary and necessary expenses of such corporation, and the governing body of such public corporation shall make appropriation of and pay such sums into the accident or administration fund, as the case may be, at the time and in the manner provided for in this Act, notwithstanding that such governing body may have failed to anticipate such ordinary and necessary expense in any budget, estimate of expenses, appropriation, ordinance, or otherwise. Whenever any contractor engaged in the performance of contract work for any public corporation is the employer, such public corporation upon final settlement with the contractor shall deduct for the benefit of the Industrial Accident Fund the amount of all premium assessments necessary to be paid by such contractor under the provision of this Act."

Exclusive character of compensation plan No. 3 as applied to public corporations and their contractors.

Payments to be considered as ordinary expenses of corporation.

Appropriation to meet accident expenses.

Premium assessments to be deducted in settlement with contractor, when.

Section 2. That Section 4(a) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Section 4(a) of law amended.

"Section 4(a). This Act is intended to apply to all inherently hazardous works and occupations within this State, and it is the intention to embrace all thereof in Sections 4(b), 4(c), 4(d), and 4(e), and the works and occupations enumerated in said sections are hereby declared to be hazardous, and any employer having any workmen engaged in any of the hazardous works or occupations herein listed shall be considered as an employer engaged in hazardous works and occupations as to all his employees."

Hazardous occupations to which Act applies.

Section 3. That Section 10(a) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Section 10(a) of law amended.

"Section 10(a). In case of personal injury or death all claims shall be forever barred unless presented in writing under oath to the employer, the insurer, or the Board, as the case may be, within six months from the date of the happening of the accident, either by the claim-

Period for presentation of claims.

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ant or someone legally authorized to act for him in his behalf."

Section 16(a) of law amended.

Section 4. That Section 16(a) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Compensation for injury producing temporary total disability.

"Section 16(a). For an injury producing temporary total disability, fifty per centum of the wages received at the time of the injury, subject to the maximum compensation of twelve dollars and fifty cents per week and a minimum compensation of six dollars per week; provided, that if at the time of injury the employee received wages of less than six dollars per week, he shall receive the full amount of such wages per week. Such compensation shall be paid during the period of disability, but not, however, in any event, exceeding three hundred weeks."

To be paid during what period.

Section 16(b) of law amended.

Section 5. That Section 16(b) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Compensation for injury producing permanent total disability.

"Section 16(b). For an injury producing total disability, permanent in character, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of twelve and one-half dollars per week, and a minimum compensation of six dollars per week; provided, that if at the time of the injury the employee received wages of less than six dollars per week, then he shall receive the full amount of such wages per week. Such compensation shall be paid during the period of disability, not exceeding four hundred weeks, after which time payment shall continue during disability at the rate of five dollars per week."

To be paid during what period.

Section 16(c) of law amended.

Section 6. That Section 16(c) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Compensation for injury producing partial disability.

"Section 16(c). For an injury producing partial disability, one-half of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, not exceeding, however, one-half the maximum compensation allowed in cases of total disability, and not exceeding seventy-five per cent of the total compensation provided in this Act for the total loss of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding, however, one hundred and

To be paid during what period.

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fifty week in cases of permanent partial disability and fifty weeks in cases of temporary partial disability."

Section 16(a) of law amended.

Section 7. That Section 16(d) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Compensation for injury causing death.

"Section 16(d). Where the injury causes death, fifty per centum of the wages received at the time of the injury, to his beneficiaries, if any, residing within the United States, at the date of the happening of the injury, or if residing outside of the United States, fifty per centum of such compensation, or if none, then forty per centum of the wages received at the time of the injury to his major dependents, if any, if residing in the United States at the date of the happening of the injury, or if none, then thirty per centum of the wages received at the time of the injury to his minor dependents, if any, residing within the United States at the date of the happening of the injury, subject to a maximum compensation of twelve and 50-100 dollars per week, and a minimum compensation of six dollars per week, for a period not exceeding four hundred weeks; provided that if at the time of the injury the employee received wages of less than six dollars per week, for a period of not exceeding four hundred weeks."

Period of payment.

Proviso.

Section 16(i) of law amended.

Section 8. That Section 16(i) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Compensation for injuries herein specified.

"Section 16(i). In case of the following specified injuries, the compensation in lieu of any other compensation provided by this Act other than that provided in Section 16(f), unless the employee is a contributor to a hospital fund as otherwise in this Act provided, shall be fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of twelve and one-half dollars ($12.50) per week and a minimum compensation of six dollars per week; provided, that if, at the time of the injury the employee received wages of less than six dollars per week, then he shall receive the full amount of such wages per week, and shall be paid for the following periods:

For the loss of:

One arm at or near shoulder	200 weeks
One arm at the elbow	180 weeks
One arm between wrist and elbow	160 weeks
One hand	150 weeks

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One thumb and the metacarpal bone thereof	60	weeks
One thumb at the proximal joint	30	weeks
One thumb at the second distal joint	20	weeks
One first finger and the metacarpal bone thereof	30	weeks
One first finger at the proximal joint	20	weeks
One first finger at the second joint	15	weeks
One first finger at the distal joint	10	weeks
One second finger at the metacarpal bone thereof	30	weeks
One second finger at the proximal joint	15	weeks
One second finger at the second joint	10	weeks
One second finger at the distal joint	5	weeks
One third finger and the metacarpal bone thereof	20	weeks
One third finger at the proximal joint	12	weeks
One third finger at the second joint	8	weeks
One third finger at the distal joint	4	weeks
One fourth finger at the metacarpal bone thereof	12	weeks
One fourth finger at the proximal joint	9	weeks
One fourth finger at the second joint	6	weeks
One fourth finger at the distal joint	3	weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	180	weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	150	weeks
One leg between the knee and ankle	140	weeks
One foot at the ankle	125	weeks
One great toe with the metatorsal bone thereof	30	weeks
One great toe at the proximal joint	15	weeks
One great toe at the second joint	10	weeks
One toe other than the great toe with the metatarsal bone thereof	12	weeks
One toe other than the great toe at proximal joint	6	weeks
One toe other than the great toe at second or distal joint	3	weeks
One eye by enucleation	120	weeks
Total blindness of one eye	100	weeks

Schedule of injuries and periods of payment.

What constitutes permanent total disability.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes or any two thereof in the absence of conclusive proof of the contrary, shall constitute total disability, permanent in character."

Section 16(o) of law amended.

Section 9. That Section 16(o) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of

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the State of Montana be and the same is hereby amended to read as follows:

Monthly payments may be converted into lump sum.

"Section 16(c). The monthly payments provided for in this Act may be converted, in whole or in part, into a lump sum payment, which lump sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of five per centum per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary or major or minor dependents, as the case may be, and shall rest in the discretion of the Board, both as to the amount of such lump sum payment, and the advisability of such conversion. The Board is hereby vested with full power, authority and jurisdiction to compromise claims and to approve compromises of claims under this Act; and all settlements and compromises of compensation provided in this Act shall be absolutely null and void without the approval of the Board."

How conversion effected.

Compromise of claims.

Section 35(d) of law amended.

Section 10. That Section 35(d) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Agreement in insurance policy for payment of compensation.

"Section 35(d). No such policy shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all the installments of compensation or other payments in this act provided for and that the obligation shall not be effected by any default of the insured after the injury or by any default in the giving of any notice required by such policy or by this act or otherwise. Such agreement shall be construed to be a direct promise by the insured to the person entitled to compensation. Before issuance of any policy by an insurer as herein authorized, such insurer must deposit with the treasurer of the Industrial Accident Board, bonds of the United States or the State of Montana or of any school district, county, city or town in the State of Montana, in an amount not less than five thousand dollars ($5,000.00) or more than twenty thousand dollars ($20,000.00) as the Industrial Accident Board may determine. If any insurer shall fail to discharge any liability after the amount thereof shall be determined by the Board, and within the time limited by the Board, it shall be the duty of the Board to convert said bonds or such part thereof as is necessary into cash, and from the proceeds liquidate such liability,

Construction of agreement.

Deposit of bonds.

Amount of bonds deposited.

Conversion of bonds into cash.

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and thereafter said insurer must make an additional deposit to meet any deficiency caused thereby."

Section 35(e) of law amended.

Section 11. That Section 35(g) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Insurer shall make deposit with Board, when.

"Section 35(g). Within thirty days of the happening of an accident where death or the nature of the injury renders the amount of future payments certain or reasonably certain, the insurer, shall make a deposit as herein defined, with the treasurer of the Board for the protection and guarantee of the payment of such liability in such sum as the Board may direct, provided that if the Board deems the amount on deposit by said insurer under the provisions of Section 35(d) sufficient to cover all liabilities of the insurer, then no further deposit shall be required."

When deposit dispensed with.

Repealing clause

Section 12. All acts and parts of Acts in conflict herewith are hereby repealed.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 101.

"An Act to Establish a State Vocational School for Girls, Prescribing Its Objects and Purposes, Providing for Its Location, Site, Buildings and Improvements, Maintenance and Management, Prescribing Commitments Thereto, Appeals, Commutations, Paroles and Discharges, Laws for Fugitives, Aiding Escapes and Penalties Therefor; Providing for Materials, Supplies, and Appropriations for All Said Purposes; Also for Empowering the State Board of Land Commissioners to Sell or Lease Either Land or Buildings or Both for the Same."

Be it enacted by the Legislative Assembly of the State of Montana:

"State Vocational School for Girls" established.

Section 1. There is hereby established a "State Vocational School for Girls," to be located at a place to be selected by the Executive Board hereinafter provided for, and approved by the Governor and State Board of Education. Provided, however, that the location of said school may be made temporarily for a period that in the judgment of the State Board of Education may deem sufficient, at a place where either lands or buildings for said school may be had by donation, or the payment of reasonable rent therefor.

Location of school.

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Objects of school.

Section 2. Said school to be for the care, education, training and safekeeping of girls between the ages of eight and twenty-one years, who are legally committed thereto by a court of record.

Admission of girls.

Section 3. It shall be the duty of the Presiding Officer of such school to receive, to the extent of the capacity of the institution, all girls committed to its care under provisions of this Act, and to keep the same until they arrive at the age of twenty-one years, or until they are discharged by law, or paroled under the rules of said school.

Discharge.

Members of Executive Board.

Section 4. There shall be an Executive Board, consisting of three members, to have a general supervision or control of said institution, two of whom shall be women and all of whom shall be citizens of the state, appointed by the Governor, by and with the consent of the State Board of Education, and the Principal of said institution shall be an ex-officio member of said Board, without a vote.

Oath of office and official bond

Section 5. As soon as notified of such appointment each member of said Executive Board shall, before entering upon the duties of her or his office, take and subscribe to the oath before any qualified officer qualified to administer oaths, that she or he will faithfully perform the duties of her or his office according to law and she or he shall give a bond to the State of Montana in the sum of Five Thousand ($5,000.00) Dollars, with good and sufficient sureties, conditioned for the faithful performance of her or his duties, which bond shall be filed in the office of the Secretary of State.

Organization of Executive Board.

Section 6. As soon as each member of the Executive Board shall have complied with the requirements of Section 5 of this act, they shall meet at a convenient place, to be decided later, and shall at once proceed to organize and elect one of their number Chairman and one secretary.

Acquisition of site and erection of buildings.

Thereafter said Executive Board shall take steps to secure a suitable tract of land of not less than one hundred sixty (160) acres, in the name of the State of Montana by lease, gift or purchase, and proceed to make such improvements and erect such buildings as may be necessary for the establishment of such school.

Gifts, donations, etc.

And said Executive Board is hereby authorized to receive in the name of the State of Montana any and all donations, gifts or contributions to said school, whether in money, lands, labor, material or supplies. Immediately upon securing the land as aforesaid under this Act, the Board shall establish

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Books of Executive Board.

a permanent office at or near such tract, and the Secretary shall keep any and all books of the Board, which shall be open for inspection, and she or he shall also file with the Secretary of State, any and all deeds or leases conveying or leasing lands to the State of Montana for the use and benefit of said school. The Chairman shall preside at all meetings of the Board; superintend the performance of all contracts for labor and material which have been authorized by the Board and see that the terms of each contract are faithfully performed, and shall perform such other duties as the Board may direct. Provided, however, that the location of said school may be made temporarily for a period that in the judgment of the State Board of Education may deem sufficient at a place where either lands or buildings for said school may be had by donation or the payment of the reasonable or necessary rent therefor.

Duties of chairman of Board.

Temporary location of school.

Appointment of principal.

Section 7. It shall be the duty of the Executive Board to secure and employ, as Principal, of the State Vocational School for Girls, a thoroughly competent and qualified woman whose training in the management of such an institution would make her eligible for such position; said appointment to be subject to the approval of the Governor and the State Board of Education.

Lease of state lands to Executive Board.

Consideration.

Contracts of lease.

Other lands may be acquired, when.

Section 8. The Board of Land Commissioners of the State of Montana is hereby authorized and empowered to lease to the Executive Board of the State Vocational School for Girls for a period at their discretion, according to law, any parcel or tract of the State School Lands selected by the Executive Board of the State Vocational School for Girls, at a rental value not to exceed one dollar per acre per annum; that proper contracts of lease for said land shall be executed to said Executive Board as soon as said Board shall have sufficient funds with which to erect or improve buildings thereon. If suitable State School lands cannot be secured, as herein provided, then the Executive Board of the State Vocational School for Girls is hereby authorized to contract by lease a suitable tract of land or to purchase the same by contract or otherwise, or to receive by gift as hereinbefore provided.

Advertising for bids.

Section 9. All contracts for the erection of buildings and for improvements and the purchase of material and supplies needed for said school shall be advertised and let by contract as provided by the law of the State of Montana, and no member of the Board or officer of the School shall be interested directly or indirectly in any

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contract or award made by the Board under penalty of forfeiture of office and fine in similar cases provided by the laws of Montana.

Meetings of Executive Board.

Section 10. The regular meetings of said Board shall be held on the first Tuesdays of March, June, September and December of each year, and special meetings may be held by order of the Chairman or any two members of said Board, at the place chosen for its permanent office, and each member shall receive for her or his services as member of said Board, five dollars ($5.00) per day and actual traveling expenses incurred while attending meetings, or in attending to the transaction of any business [illegible] and under the direction of said Board.

Compensation of members.

Duties and powers of principal.

Section 11. The Principal of the State Vocational School for Girls shall make at every regular meeting reports to the Board and shall appoint and discharge all employees, teachers and other persons connected with the institution and shall be held responsible for the conduct of the State Vocational School for Girls.

Annual report of Executive Board.

Section 12. The Executive Board of said School shall, on or before the first Monday in June each year, make a detailed statement and report of all its transactions and of the condition of the institution, including the number of officers, teachers and employees with the salary or wages paid to each, and a detailed statement of all expenses and disbursements of said institution, which report shall contain such other information or recommendations as may be required by the State Board of Examiners or the State Board of Education. All vacancies occurring in the membership of the Executive Board shall be filled by appointment by the Governor, with the approval of the State Board of Education.

Vacancies in Board, how filled.

Term of office of members of Board.

Section 13. The Ex-Officio member of the Executive Board shall hold office while Principal of the school and those members appointed by the Governor shall hold office for the terms of two years, three years and four years, respectively, from and after the third Monday in April of the year appointed, unless sooner removed by the Governor, by and with the consent of the State Board of Education.

Salaries, how fixed.

Section 14. The salary of the Principal of the State Vocational School for Girls and of the other officers, teachers and employees of the school shall be fixed by the Executive Board with the approval of the State Board of Education.

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School curriculum.

Section 15. The curriculum of the School shall include Home Economics, some branches of Horticulture, Agriculture and Animal Husbandry, and a course of study similar to that taught in the Public Schools, and also such courses and branches of vocations and trades as the State Board of Education shall determine.

Powers and duties of Executive Board.

Section 16. The Executive Board shall have power and authority, under the direction and subject to the approval of the Governor and the State Board of Education, to regulate the activities of the school, and from time to time, as may be necessary, to erect additional buildings, make all needful improvements, purchase machinery and tools and implements to be used in any of the industrial activities taught in said school, and have general supervision and control of the institution, and may make such rules for its management and control as may be necessary; provided, that no rule made by the Board shall be in conflict with the provisions of the constitution or laws of the State; and provided further, that such buildings and improvements shall not exceed in cost the sum apporpriated for such purpose.

Appropriation to carry out Act.

Section 17. For the purpose of carrying into effect the provisions of this Act, there is hereby appropriated out of any moneys belonging to the State not otherwise appropriated, the sum of Twenty-five Thousand ($25,000.00) Dollars for the support and maintenance of said school for the period of two years ending February 28th, 1921.

Judicial commitment to school.

Section 18. When any girl, between the ages of eight and eighteen years, shall in any court of record or by any judge of the district court of this State, be found guilty of any crime except murder or manslaughter, or if for want of proper parental care is growing up as a mendicant, vagrant or delinquent and complaint thereof is properly made and sustained by the evidence, the court or judge may, if in his opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered for such girl to be sent to the State Vocational School for Girls, in pursuance of the provisions of this Act. A copy of such order under the seal of said court, accompanied by a certificate of health, shall be sufficient warrant for carrying such girl to said school, and for her commitment to the custody of the Principal thereof. Provided, however, that nothing in this Section shall be construed to repeal Section 14 of Chapter 122 of the Session Laws of the Twelfth Legislative Assembly as amended by Chapter 52 of the Session Laws of the Fourteenth Legislative Assembly.

Order of commitment.

Limitation upon construction of Act.

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Proceedings at hearing.

Section 19. At the time and place mentioned in the citation for a hearing or at the time and place to which the hearing may be adjourned, etc., if the parent or guardian to whom said citation may be addressed shall appear, etc., then in his or her presence, or if he or she shall fail to appear, then in the presence of some competent person whom the said judge shall appoint as guardian for the purpose of the case, it shall be lawful for the said judge to take a voluntary statement of said girl, and hear a statement of the party appearing for her, and to take such testimony in relation to the case as may be produced; and if, upon such examination or hearing such judge shall be satisfied that the girl is a fit subject for said State Vocational School for Girls, he may commit her to said school by warrant.

Epileptics and sickly barred.

No girl shall be committed to said school who is subject to epileptic fits, and she must be possessed of that degree of mental and bodily health which would render her a fit subject for the training of said school.

Physician's certificate.

And it shall be the duty of the court or judge committing any such girl, to cause her to be examined by a reputable licensed woman physician, where such is available who shall certify to the above facts, which certificate shall be forwarded to said State Vocational School for Girls, with the commitment.

The commitment may be in the following form:

ORDER OF COMMITMENT

State of Montana, County of.....—ss.

In the District Court, in and for the ..... Judicial District, in and for Said County and State.

Be It Remembered, That on the .....day of ....., 19....., ...,

a minor of said county, was charged on complaint of ....., brought before me, the undersigned, Judge of said Court, and upon due proof I do find that the said.....is a suitable person to be committed to the instruction and training of the State Vocational School for Girls.

Form of commitment.

Now, Therefore, It is hereby ordered that the said .....be and is hereby committed to said State Vocational School for Girls, until..... attains the age of twenty-one years, unless she is sooner legally discharged or paroled by the Executive Board of said School. And I find upon the hearing of said matter that the said.....was charged with....., that.....is a resident

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of said County, and of the age of.....years.
That.....father's name is.....,
he resides at.....in the State of
.....and is by occupation a
..... That.....mother's
name is....., a resident of the State
of....., by occupation a.....
The names of other near relatives and their residences are
as follows:.....
.....
.....
.....

Witness my hand this .....day of.....
A. D. 19.....

.....
Judge.

State of Montana, County of.....—ss.

Form of certificate of clerk of court.

I, ..., Clerk of the District Court of said County, do hereby certify that the Honorable ....., whose signature is appended to the foregoing order of Commitment, was at the date thereof, and now is the Judge of the District Court in and for said County.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this .....days of ....., A. D. 19.....

.....
Clerk.

By .....
Deputy Clerk.

The Certificate of Health may be in the following form:

CERTIFICATE OF HEALTH.

State of Montana, County of.....—ss.

Form of certificate of health.

....., being first duly sworn, deposes and says: That .....he is a practicing physician duly licensed to practice medicine and surgery in the State of Montana; that at the request of the Honorable ....., Judge of the District Court in and for said County. .....he made a careful medical examination of..... and as a result of said examination .....he makes answer to the following questions correctly to be best of his or her knowledge, judgment and belief.

Has.....a perfect vision? Ans.....
Is .....of sound intellect? Ans.....

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Has.....sufficient bodily strength to receive instructions? Ans.....

Has.....any tendency to scrofula or consumption? Ans.....

Is..... subject to epileptic fits? Ans.....

Has.....had the small pox? Ans.....

Has.....been vaccinated? Ans.....

Is.....of sufficiently sound mind and bodily health to be a proper person to commit to the State Vocational School for Girls? Ans.....

.....

Subscribed and sworn to before me this.....day of .....,A. D. 19.....

.....

Clerk.

By .....

Deputy Clerk.

Form of certificate of clerk of court.

State of Montana, County of.....—ss.

I, ...Clerk of the District Court of said County, do hereby certify that..... ....., whose signature is appended to the foregoing certificate, is a reputable and respectable physician and surgeon in said County.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this.....day of ....., 19.....

.....

Clerk

By .....

Seal Deputy Clerk.

Certificate of judge to warrant.

Section 20. The Judge shall certify in the warrant the place where the girl resided at the time of her arrest; also her age as nearly as can be ascertained, and command a woman officer to take such girl and deliver her without delay to the principal of said school or other person in charge thereof, at the place where the same is located, and the showing of such certificate for the purposes of this Act shall be conclusive evidence of her residence or age; accompanying this warrant the judge shall transmit by the officer executing it, a statement of the nature of the complaint to the Principal, together with such other particulars concerning the girl as the judge is able to ascertain; Provided, that the expense of committing such girl to the State Vocational School for Girls, of the returning of her to her parent or guardian after

Statement accompanying warrant.

Expense of commitment and maintenance of girls a county charge.

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her release therefrom, shall be at the expense of the county from which the girl is committed; and provided, further, that the county from which any girl committed to the State Vocational School for Girls shall be sent shall be liable for the expense attending the care, education, training and safe-keeping of such girl until she shall have been finally discharged by the Executive Board of said school, and shall pay for the same the sum of thirty-five cents per day for each girl so sent until final discharge. On the first of every month, the Principal of said Vocational School for Girls, shall prepare and transmit to the respective boards of county commissioners of the several counties liable for such care, education and safe-keeping, a certificate showing in detail the persons on whose account such expense was incurred, the amount due on account of each such person respectively for the month preceding, and the said board of commissioners shall allow the said sum so certified against the respective counties, and shall pay the same by warrant to the State Vocational School for Girls, the same as any other current expense of said county.

Per diem charge.

Monthly statement of amount due.

Payment.

Judge may proceed at chambers or in term time.

Section 21. The judge of any district court of any county in the State, may, either in chambers or in term time, proceed under the provisions of this Act; provided, that any proceedings had before the judge in chambers in any county at a time when the district court of said county is not in session, shall be entered and recorded in the minutes of said court on the first day of the ensuing term. Any and all proceedings before the district court, or judge thereof, may be reviewed on writ of error by the supreme court, and in the manner provided by law for reviewing criminal cases in said supreme court.

Review of proceedings.

Period of detention.

Section 22. Each girl committed to the State Vocational School for Girls shall remain there until she arrives at the age of twenty-one years, unless paroled, or legally discharged; Provided, that it shall be lawful for the Executive Board to discharge therefrom any girl, an inmate thereof, who has arrived at the age of eighteen years, if it be made to appear that while there as an inmate, she deported and conducted herself in such a manner as to make it reasonably probable that she has reformed and is a proper person to be discharged.

Commutation of prison sentence.

Section 23. Whenever any girl under the age of eighteen years has been sentenced by any court of competent jurisdiction to imprisonment in the state prison, it shall be lawful for the Governor, by and with the approval of the Board of Pardons upon the application of such girl,

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her parent or guardian, to commute the punishment by substituting therefor the commitment of such girl to the State Vocational School for Girls, during the minority of said girl, unless sooner discharged by the Executive Board, under the regulations, as herein provided. But should such girl, after being sent to such school, persist in a depraved course, or escape therefrom it shall be in the power of the Governor, by and with the approval of the Board of Pardons, to revoke such commutation, and remand her to the state prison to serve out her unexpired term, and the time so spent by her at the State Vocational School for Girls, or while a refugee therefrom, shall not be considered as a part of her original term of commitment.

Governor may revoke commutation, when.

Section 24. The Executive Board may at any time, if a girl has been in the State Vocational School for a period of one year discharge or release such girl on trial or parole, but in all cases where she is released on trial or parole, she must at stated intervals report her conduct to the Principal and present certificates of good behavior whereupon her leave may be extended. It shall be the duty of the Principal to recall any girl who is not conducting herself properly, or who may not have a suitable home.

Discharge and release on parole.

Section 25. Any fugitive from said institution may be arrested and returned to said institution by any executive, county or state officer, who shall at once return her to said institution.

Fugitives from school.

Section 26. If any officer or employee of sail school, or any other person, shall contrive, procure and connive at, or otherwise voluntarily suffer the escape of any inmate of said school, every such person on conviction shall be punished by imprisonment in the state prison for a period of not less than six months nor more than two years, or be fined in a sum not exceeding One Thousand Dollars, or both such fine and imprisonment.

Conniving at or procuring escape.

Penalty.

Section 27. If any person shall carry to any inmate of said school any tool, weapon, or other aid with intent to enable any inmate thereof to escape from custody, or confinement, whether such escape be affected or not, any person so offending on conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars, or imprisonment in the state prison for a period of not more than two years, or both such fine and imprisonment.

Aiding or abetting escape.

Penalty.

Section 28. If any girl who has been committed to the State Vocational School for Girls, shall escape therefrom, the Governor or Acting Governor is authorized to

Reward for apprehension of girls escaping.

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offer a reward for her apprehension, which reward shall not exceed the sum of One Hundred Dollars, and shall be paid out of the State Treasury, and the amount which any governor or acting governor of this state may offer as the reward for the apprehension of any inmate as aforesaid is hereby appropriated, and it is hereby made the duty of the State Auditor to issue to the person or persons whom he may determine is entitled to such reward a warrant on the State Treasury therefor.

Provision for payment of reward.

Removal of girls from Industrial School.

Section 29. At such time as said school is open and ready for occupancy, all girls who are in the custody of the authorities of the Industrial School at Miles City shall be then transferred to the State Vocational School for Girls.

Repealing clause

Section 30. All acts and parts of Acts in conflict herewith are hereby repealed.

Section 31. This Act shall be in full force and effect from and after the First day of April, 1919.

Approved March 4, 1919.

CHAPTER 102.

"An Act Relating to the Admission, Care and Retention of Feeble-Minded Persons and Also Persons Afflicted With Epilepsy to the Montana Training School for Feeble-Minded and a Department of the Montana School for the Deaf and Blind at Boulder, Montana; to Provide for Court Procedure to Commit Persons Thereto and to Discharge Persons Therefrom; to Provide for the Powers and Duties of All Officers Connected Therewith; to Provide for the Payment of Certain Expenses by the Counties of the State."

Be it enacted by the Legislative Assembly of the State of Montana:

Montana Training School for Feeble Minded Persons established.

Section 1. There is hereby established at Boulder, Montana in connection with and under the control of the Montana school for the Deaf and Blind, a Montana Training School for Feeble-Minded Persons, for the training and detention of epileptics and feeble-minded minors and adults; and said unfortunates are to be admitted to said institution and cared for therein as provided in this act.

Who to be admitted.

Application for admission to be made by whom and before what court.

Section 2. That application for admission to said Training School may be made to the district court, or to a judge thereof, by any parent of the subject; by any person entitled to its legal custody; by a superintendent

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of a county hospital; by any officer of the state bureau of child and animal protection; by the applicant in person; or by the superintendent of any of the state institutions. Provided, however, that when ever an application for admission is made by any person, a copy of such application for admission, toether with a copy of the order of the court or judge fixing the time and place for hearing such application, shall be served upon the parent of the subject or upon the person entitled to the legal custody of the subject, as the case may be, and upon the subject, at least five days before the day fixed for such hearing. Said applications shall state therein the age, sex, race, general mental, moral and physical condition, residence and family history of the proposed inmate, and that the proposed inmate is to be a county charge of the county of which the subject is a resident at the time of application, together with such other allegations of fact as may be required by the rules of said court.

Copy of application and order of court to be served upon whom, and when.

Contents of application.

Section 3. That upon a hearing on said application the court or judge may name two physicians to make examination, and with the assistance of the county attorney and the attorney representing the parent or person entitled to the legal custody of such subject, or the subject if any such attorney shall appear at such hearing, examine the subject and make to the court or judge recommendations on the facts found, and if the facts found by the court or judge show that the subject, or proposed inmate, is a proper person to be admitted to the said institution, the court or judge shall make an order or decree admitting and committing said subject to said Montana Training School for Feeble-Minded Persons.

Examining physicians to be appointed.

Report of facts found.

Court to make order admitting subject to institution.

Section 4. That citizens of this state who are afflicted wtih epilepsy may also be admitted to said institution under such rules and regulations as the local executive board of said institution shall from time to time make, subject to the approval of the State Board of Education, and when suitable buildings shall have been provided.

Citizens of state may be admitted under what rules and regulations.

Section 5. That the laws applicable to admission, care and control of the feeble-minded inmates shall also apply, as far as possible, to the admission, care and control of epileptics.

What laws shall apply.

Section 6. That before any court or judge shall issue any commitment or make any order of admission for any subject to said institution, he shall first consult, by telephone or otherwise, with the superintendent of said in-

Duty of court before issuing order of admission.

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stitution as to whether or not there is room to accommodate the feeble-minded or epileptic subject therein.

County to pay expenses, transportation and for clothing.

Section 7. That the expenses of examination, transportation and clothing of the inmates admitted under this Act shall be paid by the county from which they were committed, upon the rendering of a sworn itemized account of said expenses, and the county in turn shall collect, in its own name, from the parents, guardian or estate of the inmate, provided they are financially able to meet such expenses. Said inmate whether a minor or adult shall remain such county charge so long as he is in this institution.

County may collect, what and from whom.

Course of study and training.

Section 8. That the president of said institution under the direction of the State Board of Education shall prepare a course of study and determine the training to be given all or any of the inmates of said institution.

Inmate may be removed, by what authority.

Section 9. That no inmate may be removed from said institution, permanently or temporarily, except upon a written order of the superintendent or upon an order of any District Court of the state and the provisions of this Section shall apply to adults as well as to the minors therein. The costs of such court action to be borne by the party bringing the action. Any order of the District Court pursuant to this act may be reviewed by the Supreme Court provided said appeal is taken within sixty days after the making of such order.

Cost of court proceeding.

Appeal to Supreme Court.

Limitation upon construction of Act.

Section 10. That this act is not to be construed as amending or repealing Chapter 137, Laws of the Eleventh Legislative Assembly, which Act relates to the admission, care and retention of persons in said school but as supplemental thereto, but any and all other Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed.

Section 11. This Act shall be in full force and effect on and after sixty days from its passage and approval.

Approved March 4, 1919.

CHAPTER 103.

"An Act to Amend Section 2653 of the Revised Codes of the State of Montana of 1907, Relating to Tax Deeds."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section 2653, Revised Codes.

Section 1. That Section 2653 of the Revised Codes of the State of Montana, 1907, be amended to read as follows:

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"Section 2653. The form of a tax deed of an estate in real property, executed by a County Treasurer, may be made in substance as follows:

Form of tax deed to real property.

1. This Indenture, made by and between (Insert name of Treasurer) County Treasurer of the County of (Insert name of county) in the State of Montana, the party of the first part, and (Insert name of grantee) the party of the second part, Witnesseth:

Whereas, there was assessed for the year (Insert year) in the name of (Insert name) that certain tract of land hereinafter described, and the taxes for said year levied against said property amounted to the sum of (Insert amount) Dollars,

And, whereas, said taxes were not paid and said property was sold for the payment of said taxes to (name of grantee) on the (Insert day) day of (Insert month) A. D. (Insert year) for the sum of (Insert amount) dollars, and certificates of sale were duly issued and filed as required by law;

And, whereas, no redemption from said sale has been made, and the said grantee has given the necessary notice of application for tax deed as required by law, Now Therefore,

I. A. B., County Treasurer of the County of..... in the State of Montana, for and in consideration of the sum of (Insert amount) Dollars paid, do grant to C. D. all the property situated in.....County, State of Montana, described as follows:—(Here insert description of the land sold for taxes and sought to be conveyed.)

Witness my hand this (Insert day) day of (Insert month) A. D. (Insert year).

.....,

County Treasurer of .....

County, State of Montana.

That a tax deed executed in the form as provided in this section, when duly acknowledged and proved, is prima facie evidence that:

Tax deed in form prescribed to be prima facie evidence of what.

1. The property was assessed as required by law.
2. The property was equalized as required by law.
3. The taxes were levied in accordance with law.
4. The taxes were not paid.
5. That notice of tax sale was given and published, and property sold at the proper time and place as prescribed by law.

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6. The property was not redeemed, and that the proper notice of application for deed has been served or posted as required by law.

7. The person who executed the deed was the proper officer.

8. Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and take effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 104.

"An Act Prohibiting the Foreclosure of Real Estate or Chattel Mortgages Executed by Soldiers, Sailors or Marines Honorably Discharged From the Military or Naval Service of the United State Until One Year From the Date of Such Discharge, and Providing Penalties for the Violation of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Suspension of mortgage foreclosure proceedings against discharged soldiers and sailors.

Section 1. That no action shall be instituted in any Court of this state, nor shall any proceedings of a legal nature or otherwise be taken or had for the foreclosure of any real estate or chattel mortgage executed by any soldier, sailor or marine who enlisted or was drafted into the military service of the United States during the recent war with Germany or her allies, and who has been honorably discharged from such service, until the expiration of one year from and after the date of such discharge.

What term "mortgage" includes.

Section 2. The term "mortgage" as herein used shall include all trust deeds and all other security upon real or personal property in the nature of a mortgage and shall apply to all such mortgages or other security in the nature of a mortgage which were executed by any honorably discharged soldier, sailor or marine prior to his discharge from the military or naval service of the United States mentioned in Section 1 of this Act.

Right to possession of mortgaged property in abeyance.

Section 3. No mortgagee to whom has been executed any mortgage referred to in this Act shall have the right, except upon the consent of the mortgagor, to take possession of any of the property covered by said mortgage so

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long as said mortgage shall remain subject to the terms of this Act, nor shall he, or his agent, or any one representing him exercise any power of sale in any mortgage contained so long as said mortgage shall remain subject to the terms of this Act.

Judgment and execution withheld, when.

Section 4. No court of this state shall enter any judgment or issue any execution upon any judgment for the foreclosure of any mortgage except upon proof being first submitted to the satisfaction of the court that such mortgage is not within the terms of this Act.

Remedy of aggrieved mortgagor.

Section 5. Any mortgagor whose security has been taken contrary to the terms of this act upon any foreclosure or by any exercise of the right of possession or sale in any mortgage contained shall have a right of action against the mortgagee or other person violating the terms of this Act for double the amount of damage sustained by said mortgagor.

Repealing clause.

Section 6. This Act shall take effect and be in full force upon its passage and approval.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 4, 1919.

CHAPTER 105.

"An Act Appropriating the sum of $200,000.00 to be expended by a Commission created by this Act and to be known as a Veterans Welfare Commission for the purpose of Aiding and Assisting the United States in Carrying on and Prosecuting the War between the United States and Germany and her Allies, Designating the purposes for which such an appropriation may be expended by the Veterans Welfare Commission, Authorizing the State Board of Examiners to Issue Bonds or Warrants in excess of the Constitutional Limit of Indebtedness and to Levy a Tax upon all Property in the State, Subject to Taxation, for the purpose of Paying the Indebtedness so incurred and the payment of the Interest thereon and to Provide Help and Assistance for Veterans, Soldiers, Sailors and Marines in the United States Military and Naval Service in the War against Germany and Her Allies and to Provide for Financial Co-operation with the United States Government in any scheme of Reclamation or Reconstruction for the benefit

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of those in the Military and Naval Service of the United States in the War against Germany and Her Allies."

Be it enacted by the Legislative Assembly of the State of Montana:

Loan and appropriation to promote security of state and nation.

Section 1. The Board of Examiners of the State of Montana is hereby directed, authorized and empowered to borrow any sum of money in an amount not exceeding Two Hundred Thousand Dollars ($200,000.00) upon the credit of the State of Montana, and there is hereby appropriated Two Hundred Thousand Dollars ($200,000.00) or so much thereof as may be necessary out of the receipts of any such loan or loans so made, under the provisions of this Act, the United States now being at War, to suppress insurrection, repel invasion, defend the State and to assist in defending the United States.

Issue of bonds for purposes of Act.

Section 2. The Board of Examiners of the State of Montana is hereby empowered and authorized to issue bonds or warrants in a sum not exceeding Two Hundred Thousand Dollars ($200,000.00) at an interest bearing rate not to exceed five (5) per cent per annum and upon such other terms and conditions as such Board may deem wise, proper and necessary to obtain money sufficient to meet the purposes of this Act.

Life of bonds.

Provided, however, that the life of any such bonds issued shall not be greater than ten years, and may be redeemed at any interest paying period or within thirty days thereafter.

Faith of state pledged.

Section 3. Any debt created under Section 2 of this Act shall be binding on the State of Montana, and for the payment thereof, with interest thereon, the faith of the State is irrevocably pledged.

Objects and purposes of Act.

Section 4. The purpose of this Act is for the encouragement, aid and assistance of soldiers of the United States going to and returning from the War in which the United States is fighting Germany and her allies; to get jobs and employment, to provide for the education, training and comfort and the physical and material well being of those who have been in the Military and Naval service of the United States during the war.

Veterans Welfare Fund.

Section 5. That the money to be derived and appropriated under the provisions of this Act shall be known as the Veterans Welfare Fund and shall be kept separately as such and credited by the State Treasurer to such fund, and be paid out by the State Treasurer on warrants issued by the State Auditor on orders drawn by the Veterans Welfare Commission.

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Creation of Veterans Welfare Commission.

Section 6. There is hereby created a commission to be known as the Veterans Welfare Commission to consist of three members who shall be appointed by and removable at the pleasure of the Governor. Each Commissioner shall serve without compensation, but shall be allowed his necessary expenses. The Commission shall organize immediately after its appointment and select one of its number as Chairman and one as Secretary, and may employ such persons as necessary to assist in its work, and expend such of the money appropriated by this Act as it may deem necessary to carry out the purpose of this Act.

Organization of Commission.

Duties of Commission.

Section 7. It shall be the duty of the Veterans Welfare Commission to disburse the money appropriated by this Act for the purposes enumerated in Section 4 of this Act and for the general welfare of the veterans and the soldiers, sailors and marines of the United States in the War with Germany and her Allies, who at the time of their enlistment or induction were bona fide residents of the State of Montana, or who may hereafter become bona fide residents of the State of Montana. The Commission may disburse the money provided by this Act in such manner and for such purpose as in its judgment will best facilitate and promote the return of such veterans, soldiers, sailors and marines to civil life, and to keep a high morale in the fighting forces of the United States in the War with Germany and her Allies, and bring contentment and satisfaction among the people of the State of Montana and especially among the veterans, soldiers, sailors and marines within the borders of this State, and to promote this end, the Commission may establish employment agencies, furnish employment, provide for institutions of any sort, assist the United States in any reclamation or reconstruction work that Congress may provide for, make grants or loans, or expend such money in any manner whatsoever for such persons, and the enumeration of specific purposes shall not be construed to exclude other purposes but the manner in which such funds shall be expended shall be entirely in the discretion of the Commission.

Acts conducive to welfare of service men.

Discretionary powers of Commission.

Money restored to General Fund.

Section 8. That the Commission is hereby ordered and instructed to return to the General Fund of the State Treasury out of the money appropriated by this Act an amount equal to all of the money expended under the authority of House Bill No. 262 of the Sixteenth Legislative Assembly.

Co-operation of public officials.

Section 9. It shall be the duty of all State, County and Municipal Officers to render such aid to the Veterans

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Welfare Commission as shall be within their power and consistent with the duties of their respective offices.

Records of expenditures.

Section 10. The Veterans Welfare Commission shall keep proper records of all expenditures which shall be audited by the State Board of Examiners.

Tax levy in aid of Act.

Section 11. There is hereby levied upon all property in the State liable to taxation for the year 1919, an ad valorem tax of one twentieth (1/20) mill on each dollar of the assessed value of all such property, and there is hereby levied upon all property in the State liable to taxation for the year 1920, an ad valorem tax of one twentieth (1/20) mill on each dollar of the assessed value of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds or warrants issued under the provisions of this Act.

Repealing clause.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 13. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 106.

"An Act for the Control of Venereal Diseases: Declaring Syphilis, Gonorrhea and Chancroid Contagious, Infectious, Communicable and Dangerous to Public Health and Providing for the Keeping of Records of All Persons Treated for Said Diseases, Defining the Powers and Duties of the Health Officers Relating to the Control Thereof, Providing for the Quarantine and Isolation of Persons so Affected and Providing for the Establishment of Isolation Hospitals, Giving the State Board of Health Power to Adopt Rules and Regulations Necessary to Carry Out the Provisions of This Act and Providing a Penalty for Violation of the Provisions of This Act or Rules and Regulations Duly Made."

Be it enacted by the Legislative Assembly of the State of Montana:

Venereal diseases dangerous to public health.

Section 1. That syphilis, gonorrhea and chancroid hereinafter designated as venereal diseases are hereby declared to be contagious, infectious, communicable and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

Record of venereal cases, by whom kept.

Section 2. Any physician or other person who makes a diagnosis in, or treats, a case of syphilis, gonorrhea, or chancroid, and every superintendent or manager of a hospital, dispensary, or charitable or penal institution, in

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which there is a case of venereal disease, shall keep a record thereof, which shall show the name and address or the office number, age, sex, color and occupation of the diseased person and the date of onset of the disease, and the probable source of infection; every name entered in such record shall be assigned a number commencing with No. 1 and continuing in numerical order, and shall report such case immediately in writing to the local or County Health officer giving the number assigned to such diseased person together with the probable source of infection; provided that the name and address shall not be given in such report, except as hereinafter specifically provided. Said report shall be enclosed in a sealed envelope and sent to the local or County Health Officer who shall report weekly on the prescribed form to the State Board of Health, all cases reported to him.

Contents of record.

Reporting venereal cases.

Section 3. State, County and Local Health Officers, or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of bein infected with venereal disease, and to detain such persons until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local, county and state health officers, or their authorized deputies, within their respective jurisdictions to investigate sources of infection of venereal disease, to co-operate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

Examination of venereal suspects.

Detention of suspects.

Patients may be required to report for treatment.

Quarantine of infected persons.

Co-operation of local health officers.

Section 4. The County Board of Health of each county shall provide an isolation hospital for the care and treatment of all persons within the county suffering from venereal diseases, and shall make all necessary rules and regulations for the conduct and management thereof. Provided, however, that the County Board of Health of any county may in its discretion, if no isolation hospital has been established in such county, contract for the care and treatment of persons suffering from said diseases, with any county of the state that maintains an Isolation Hospital for the care and treatment of such diseases, or may

Isolation hospitals, by whom provided.

Contracts for treatment with other counties and private institutions.

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contract with any private institution for the care and treatment of any such patients.

Pay patients.

Section 5. Every person who is committed to, detained, or treated in such isolation hospitals, and who is financially able, shall be required to pay all expenses for care and treatments while detained in such hospital, and the County Board of Health is authorized to maintain civil action, in the name of the County to recover therefor.

Examination of prisoners.

Section 6. All persons who shall be confined or imprisoned in any state, county, or city prison in the state shall be examined for and if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any state, county or city prison are directed to make available to the health authorities such portion of any state, county or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of Section 3, shall be isolated and treated at public expense until cured, or, in lieu of such isolation any of such persons may, in the discretion of the local, county or state health officer, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in Section 4. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

Establishment of clinic in penal institutions.

Isolation of patients.

Reporting to a physician for treatment.

Sentence for crime not affected.

Quarantine of infected persons

Section 7. Local and County Health Officers are authorized and directed to quarantine persons who have, or who after examination are reasonably suspected of having syphilis, gonorrhea, or chancroid, whenever in the opinion of said Local or County Health Officer, or the State Board of Health, or its Secretary, quarantine is necessary for the protection of the public health. In establishing quarantine the health officer shall designate and define the limits of the area in which the person known to have, or reasonably suspected of having syphilis, gonorrhea, or chancroid and his or her immediate attendant are to be quarantined and no other person than the attending physician shall enter or leave the area of quarantine without the permission of the Local or County Health Officer. No one but the Local, County or State Health Officer shall terminate said quarantine, and this shall not be done until the diseased person has become

Quarantine limits.

Raising quarantine.

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noninfectious, as determined by the Local, County or State Health Officer or his authorized deputy through the clinical examination and necessary laboratory tests, or until permission has been given by the State Board of Health or its Secretary.

Section 8. It shall be the duty of every physician and every other person who examines or treats a person having syphilis, gonorrhea or chancroid, to instruct such person in measures for preventing the spread of such diseases, and inform such person of the necessity for treatment until cured, and to hand such person a copy of the circular of information obtainable for this purpose from the State Board of Health.

Instruction of patients.

Section 9. When a person applies to a physician or other person for the diagnosis or treatment of syphilis, gonorrhea, or chancroid, it shall be the duty of the physician or person so consulted to inquire of and ascertain from the person seeking such diagnosis or treatment whether such person has theretofore consulted with or has been treated by any other physician or person and, if so, to ascertain the name and address of the physician or person last consulted. It shall be the duty of the applicant for diagnosis or treatment to furnish this information, and a refusal to do so or a falsification of the name and address of such physician or person consulted by such applicant shall be deemed a violation of these regulations. It shall be the duty of the physician or other person whom the applicant consults to notify the physician or other person last consulted of the change of advisers. Should the physician or person previously consulted fail to receive such notice within ten days after the last date upon which the patient was instructed by him to appear, it shall be the duty of such physician or person to report to the Local or County Health Officer the name and address of such venereally diseased person.

Information concerning former treatment.

Duty to furnish information.

Notice of change of advisers.

Failure to receive notice.

If an attending physician or other person knows or has good reason to suspect that a person having syphilis, gonorrhea, or chancroid is so conducting himself or herself as to expose other persons to infection, or is about so to conduct himself or herself, he shall notify the Local or County Health Officer of the name and address of the diseased person and the essential facts in the case.

Reporting negligence of infected persons.

Section 10. No druggist or other person not a physician licensed under the laws of the State shall prescribe or recommend to any person any drugs, medicines or other substances to be used for the cure or alleviation of gonor-

Druggists and other non-professional persons prohibited from prescribing remedies.

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rhea, syphilis or chancroid, or shall compound any drugs or medicines other than proprietary for said purpose from any written formula or order not written for the person for whom the drugs or medicines are compounded and not signed by a physician licensed under the laws of the State. All druggists are required to keep a record of the names and addresses of all persons to whom proprietary or patent medicines, commonly or presumably used in the treatment of venereal diseases, are sold or supplied to, and shall forward a report to the proper health officer at the end of each week, giving the names and addresses of such persons and the remedy sold in each case.

Druggists shall keep record of venereal remedies sold.

Section 11. Physicians, health officers, and all other persons are prohibited from issuing certificates of freedom from venereal disease, providing this rule shall not prevent the issuance of necessary statements of freedom from infectious diseases written in such form or given under such safeguards that their use in solicitation for sexual intercourse would be impossible. Such certificates shall not be used or exhibited for solicitation for immoral purposes.

Certificates of freedom from disease.

Section 12. All information and reports concerning persons infected with venereal diseases shall be inaccessible to the public.

Inaccessibility of records.

Section 13. The State Board of Health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this Act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of Section 3, and such other rules and regulations, not in conflict with provisions of this Act, concerning the control of venereal diseases, and concerning the care, treatment and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this Act, and shall have the force and effect of law.

Rules and regulations for the control of venereal diseases.

Section 14. Any person who shall violate any of the provisions of this Act or any lawful rule or regulation made by the State Board of Health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by the state, county or local health officer, pursuant to the authority granted in this Act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than $1,000 or by im-

Penalty for violation of Act and regulations.

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prisonment for not more than a year or by both such fine and imprisonment.

Section 15. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 16. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 107.

"An Act Fixing the Salaries of State Accountant, Clerk to the State Board of Examiners and Clerk to the Consolidated Boards, the State Examiner and His Assistant Deputies and Clerks, the Chief Deputy Superintendent of Banks and His Assistant Deputies and Clerks, and Private Secretary to the Governor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The annual compensation allowed to the following named State officer and clerks at the State Capitol is as follows: Compensation of state officers and clerks.

STATE BOARD OF EXAMINERS.

Clerk $3,000.00
State Accountant 3,000.00

CONSOLIDATED BOARDS.
(Boards of Prison Commissioners, Insane Commissioners, Pardons and Equalization.)

Clerk $3,000.00

Section 2. State Examiner and his Assistant Deputies and Clerks. The salary of State Examiner shall be thirty-six hundred dollars ($3,600) per year. First Assistant to the State Examiner shall receive Three Thousand Dollars ($3,000.00). Second Assistant to the State Examiner, twenty-seven hundred dollars ($2,700.00). Deputy State Examiner shall receive Twenty-four Hundred Dollars ($2,400.00). Clerks shall receive Fifteen Hundred Dollars ($1,500.00), and Chief Deputy Superintendent of Banks shall receive Three Thousand Dollars ($3,000.00). Each additional Deputy allowed by law Twenty-Four Hundred Dollars ($2,400.00). Clerks per month One Hundred Fifty Dollars ($150.00). And the salary of the Private Secretary to the Governor shall be Three Thousand Dollars ($3,000.00). Salaries of state examiner, his assistants and clerks. Salary of private secretary to Governor.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

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Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 108.

"An Act to Repeal Sections 9792 and 9793 of the Revised Codes of Montana of 1907, Relating to Salary and Bond of the Director of the Montana State Reform School."

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 9792 and 9793, Revised Codes, repealed.

Section 1. That Section 9792 and 9793 of the Revised Codes of Montana of 1907, be and the same is hereby repealed.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 109.

"An Act Prescribing the Annual Salaries of the Rate Clerk, Safety Appliance Inspectors, and Stenographer of the Railroad Commission of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Salary of rate clerk of Railroad Commission.

Section 1. The Annual Salary of the Rate Clerk of the Railroad Commission shall be Three Thousand Dollars ($3,000.00) per annum.

Salary of safety appliance inspectors.

Section 2. The Annual Salary of the Safety Appliance Inspectors shall be Twenty-one Hundred Dollars ($2,100.00) each per annum.

Salary of stenographer.

Section 3. The annual salary of the Stenographer shall be Fifteen Hundred Dollars ($1,500.00) per annum.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 110.

"An Act to Amend Section 9 of Chapter 75 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana "An Act to Provide for the Registration and Identification of Motor Vehicles and Operators Thereof, and Providing for the Regulation of All

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Vehicles Operating Upon the Public Highways of the State and Providing Penalties for the Violation of the Provisions of This Act, and Providing for the Disposition of All Funds Collected Thereunder, and Repealing the Provisions of Chapters 71 and 73 of the Laws of the Thirteenth Legislative Assembly, and Chapter 65 of the Laws of the Fourteenth Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 9 of Chapter 75 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana be amended so as to read as follows:

Accessories required on motor vehicles.

"Section 9. Accessories Required.—Every motor vehicle operated or driven upon the public highways of this State shall be provided with the following accessories:

Brakes.

1. Two sets of independently operated brakes in good working order, either one of which sets must be sufficient to stop the drive wheels of the car and prevent them from turning while the car is in motion.

Horns or other devices.

2. A horn or other device for signaling sufficient under all reasonable conditions to give timely warning of the approach of the motor vehicles.

Lights to be displayed.

3. During the period between one hour after sunset and one hour before sunrise, every motor vehicle of the three or four-wheeled type shall display two white lights in front (one on each side) and one light in the rear. Every motor vehicle of the motorcycle or two-wheeled type shall display one white light in front and one light in the rear, which said rear lights in both classes of motor vehicles shall display red rays visible to the rear and shall throw white light upon the number plate carried on the rear of such vehicle and illuminate the same so that the number will be clearly visible at a distance of one hundred feet. The light of the front lamps shall be visible at least two hundred feet in the direction which the motor vehicle is proceeding. The front lights of all motor vehicles shall be equipped with some style of non-glare dimmers by which the intensity of such lights are diminished; and it shall be unlawful for the driver of any motor vehicle in the State of Montana to display on the front of such vehicle lights of such a degree of brightness as tend to confuse drivers of vehicles coming in contact with or moving in an opposite direction from such motor vehicles."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 4, 1919.

CHAPTER 111.

"An Act to Amend Section 3167 of the Revised Codes of Montana, 1907, Relating to fees of Sheriffs."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3167, Revised Codes, amended.

Section 1. That Section 3167 of the Revised Codes of Montana, 1907, be amended so as to read as follows:

"Section 3167. For service of summons and complaint on each defendant, besides mileage, one dollar.

Sheriff's fees.

For levying and serving each writ of attachment or execution on real or personal property, besides mileage, one dollar.

For service of attachment on the body or order of arrest on each defendant, besides mileage, one dollar.

For service of affidavit, order and undertaking in claim and delivery, besides mileage, one dollar.

For serving of subpoena for each witness summoned, besides mileage, thirty cents.

For serving a writ of possession or restitution, two dollars.

For trial of the right of property or damages, including all services except mileage, three dollars.

For taking bond or undertaking in any case authorized by law, one dollar.

For serving every notice, rule or order, besides mileage, on each person, one dollar.

For copy of any writ, process or other paper, when demanded or required by law, for each folio, twenty cents.

For advertising any property for sale on execution, or under any judgment or order of sale, exclusion of the cost of publication, one dollar.

For the expense and taking and keeping possession of and preserving property under attachment, execution, or other process, such sum as the court or judge may order, not to exceed the actual expenses incurred, and no keeper must receive to exceed three dollars per day, and no keeper must be employed without an order or court, nor must he be so employed unless the property is of such character so as to need the personal attention and supervision of a keeper. No property must be placed in charge of a

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keeper if it can be safely and securely stored, or where there is no reasonable danger of loss.

For each mile actually traveled in serving every writ, process, order, notice or other paper, going and coming, ten cents.

But no mileage must be allowed on an attachment, order of arrest, order for the delivery of personal property, or any other order, notice or paper, when the same accompanies the summons, and the service thereof may be made at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons.

When two papers are served on the same person at the same time, but one mileage must be charged.

In the service of subpoenas, but one mileage must be charged when the persons named in the subpoena live in the same place or in the same direction, but mileage may be charged for the longest distance actually traveled.

Any writ or other paper for service must be received at any place in the county where a sheriff or a deputy is found, and mileage must be computed from such place. If papers are delivered for service away from the county seat, a copy or copies thereof must be furnished for service.

For actual expenses in conveying a person, when under arrest, before a magistrate or to jail, or on habeas corpus, which must be allowed by the board of county commissioners.

Section 2. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 112.

"An Act to Amend Section 196, of the Revised Codes of 1907, as Amended by Chapter 77, Laws of the Fourteenth Legislative Assembly, Relating to Assistants to the Attorney General."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 196 of the Revised Codes of 1907, as amended by Chapter 77 of the laws of the Fourteenth Legislative Assembly be and the same is hereby amended to read as follows:

Section 196, Revised Codes, amended.

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Assistants to Attorney General.

Salaries of assistants.

"Section 196. The Attorney General of the State of Montana is hereby authorized to appoint one Assistant Attorney General, who shall receive a salary of $3,600.00 per annum and three Assistant Attorney Generals who shall receive as salary the sum of $3,000.000 per annum, who shall hold such appointments during the pleasure of the Attorney General making such appointments."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 113.

"An Act to Provide for Nominations of Candidates of the Different Political Parties by Direct Vote and to Provide for the Election of Delegates and Alternate Delegates to State Conventions and Providing for the Holding of the State Convention and for the Nomination of Candidates Thereat, and for the Selection of County and State Committee-Men of Political Parties, and to Provide for the Manner of the Organization of New Political Parties, and to Provide for Independent Nominations, and to Repeal Initiated Bill Entitled: 'A Bill to Propose by Initiative Petition a Law to Provide for Party Nominations by Direct Vote,' Approved and Passed by the People of Montana at the General Election of 1912; and to Repeal Initiated Bill Entitled: 'A Bill to Propose by Initiative Petition a Law to Provide for the Expression by the People of the State of Montana of Their Preference of Party Candidates for President and Vice-President of the United States at Presidential Conventions and the Nomination of Presidential Electors by Direct Vote,' Passed by the People of Montana at the General Election of 1912, and Providing for a Referendum of Said Act at a Special Election and Providing for a Special Election to Be Held on the First Tuesday in September, 1919, and Providing That Said Special Election Shall Be Held Under the Provisions of the Laws of the State of Montana, and providing the Time When Said Act Shall Take Effect."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after the passage of this Act, the candidates of political parties for all county or

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municipal offices of any county, township or municipal corporation, which under the law are filled by direct vote of the voters of this state at the general election held in November or at any general municipal election, shall be nominated at a primary election, and candidates for the office of Senator in Congress of the United States and representatives in the Congress of the United States, and all candidates for State, Congressional or Judicial District offices, which, under the constitution or laws of the State of Montana, are filled by direct vote of the voters of this state or any Congressional or Judicial District at the general election in November shall be nominated by a State Convention and the delegates and alternate delegates to any National Convention shall be nominated and elected by a State Convention as hereinafter provided, and the delegates and alternate delegates to the State Convention of such political organizations or parties, and the state, county or municipal committee-men of such political organzations or parties shall be elected at the said primary election at the time and in the manner hereinafter provided.

Nominations of candidates for county, township and municipal offices to be made at primary election.

Nominations for U. S. Senator, congressional, state and judicial district officers to be made by state convention.

Section 2. The term "primary election" as used in this Act shall be construed to apply to an election by the members of the various political parties for the purpose of placing in nomination candidates for public office or for delegates or alternate delegates to the Conventions and for the selection of party committee-men.

Definition of "primary election."

Section 3. The term "political party" shall mean a party which at the last preceding general election cast for its candidates for Congress at least two (2) per cent of the total vote cast at said general election; provided such other political organizations as may be organized on petition of at least two (2) per cent of the total vote cast at the last general election for the successful candidate for Governor may nominate and certify a candidate and have their names placed upon the ballot for the primary election and shall have the right so to do in the manner and under the conditions herein prescribed.

Meaning of term "political party."

Section 4. It shall be the duty of the County Clerk, thirty days before any primary nominating election, to prepare printed notices of such election, and mail two of said notices to each judge and clerk of election in each precinct, and it shall be the duty of the several judges and clerks immediately to post said notice in public places in

Notice of election.

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their respective precincts. Said notices shall be substantially in the following form:

Primary Nominating Election Notice.

Notice is hereby given that on the.....day of ....., 191.... at the....., in the precinct of....., in the County of....., Montana, a primary nominating election will be held at which the (insert names of political parties subject to this law) will choose their candidates for county, precinct and other offices, and will select delegates and alternate delegates to represent said county in the State Convention (here insert the number of delegates and alternate delegates) and precinct committeemen, which election shall be held at eight o'clock A. M., and will continue until six o'clock P. M. of said day.

Form of notice.

Dated this.....day of....., 191....

.....

County Clerk.

Section 5. Candidates for public office may be nominated otherwise than by Convention, Committee or Primary Meeting in the following manner: The certificate or nomination, containing the name of the candidate and the office to be filled, stating the name, business and post office address of the candidates, shall also certify that the name of said candidate has not been filed and voted upon as a candidate for the same office at any primary election held during the year preceding filing of such certificate, shall be signed by electors residing in the county or political division in which the officers are to be elected and file with the City Clerk or County Clerk, as the case may be. The number of signatures shall not be less than one hundred (100) when the nomination is for an office to be filled by the electors of the said county or other division and not less than twenty (20) when the nomination is for an office to be filled by the electors of township, precinct or ward; provided the number of signatures need not in any instance exceed one-fourth of the total number of votes for the nomination of offices to be filled by the electors of the county, city, township or ward and the signatures need not all be appended to one paper; provided, further, candidates nominated under the provisions of this section shall be termed "Independent Candidates" and upon the ballot on which their names are printed, shall be printed after such names the word "Independent." Each elector signing a certificate shall add to his signature his place of business, his

Certificates of nomination.

Requirements of certificate.

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residence and address. Certificates of nomination for all county, city, township or ward offices, including members of both branches of the Legislative Assembly, which are elected by the electors of one county only, shall be filed with the County Clerk of the respective counties wherein the officers are to be elected or in the office of the City Clerk in the case of city officials.

The candidate named for such independent nomination shall, within five days after the filing, in the office of the County Clerk or City Clerk, of such certificate of nomination by electors within the county, city, ward or precinct, file a statement with the County Clerk or City Clerk that he has not been a candidate for the same office of any political party at any primary election held in the year preceding the filing of such certificate of nomination and that he accepts the nomination for said office as an independent candidate; provided, that if any certificate of nomination of an independent candidate shall be filed which shall contain the name of any person who has been a candidate and voted for at a primary election, as hereinbefore provided, the County Clerk, upon proof of such fact, shall omit the name of such independent candidate from the official ballot.

Independent candidates.

Section 6. There shall be held a primary election at the regular polling places in each precinct on the second Tuesday in May, 1920, and every four years thereafter, and on the first Tuesday in June, 1922, and every four years thereafter, except as otherwise provided. Municipal primaries shall be held on Tuesday, four weeks before the day of election.

Primary elections, dates of holding.

Section 7. Judges and Clerks of all primary elections under this Act shall be named and be selected and appointed in the same manner as for general election held in November and they shall take the same oath, and judges are hereby authorized to administer oaths as hereinafter provided. Vacancies shall be filled as provided for the Judges and Clerks for general elections. Expenses of primary elections shall be audited by the Board of County Commissioners of each county and be paid the same as expenses of general elections.

Judges and clerks of primary elections.

Audit of election expenses.

Section 8. Prior to the filing of any petition for nomination of candidate for county or municipal office, municipal, county or state committeemen and delegate and alternate delegate to the State Convention for the purpose of helping to defray the expenses of such primary election, there shall be paid to the county Treasurer for the use

Filing fees of candidates.

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of the General Fund of the County or City of which the candidate is a resident, by or on behalf of each candidate, the filing fee as follows: For County, legislative and city office, the sum of Five Dollars ($5.00); for municipal, county and state committeeman, the sum of Three Dollars ($3.00); for delegate and alternate delegate to the State Convention, the sum of Two Dollars ($2.00).

Australian ballot system to be used.

Section 9. The Australian Ballot System as now used in this state, except as hereinafter provided, shall be used at the said primary election in all precincts. The voters shall in all cases mark the ballot in the square before the name of each person for whom he desires to vote. The polls shall be open from eight o'clock A. M. to six o'clock P. M. The elector voting at said primary election shall be allowed to vote for candidates for nomination on the ticket of one political party and that shall be the party which the voter designates at the time he applies for the official ballot. The official ballot shall bear the stamp in the same manner and form as provided for in the general election laws for stamping official ballots. If any primary elector write upon his ticket the name of any person who is a candidate for the same office on some other party ticket other than that upon which his name shall be so written, such ballot shall be counted for such person, only as a candidate of the party upon whose ballot the name is written and in no case shall be counted for such person as candidate on any other ticket. In case a person be nominated on more than one ticket, he shall file with the proper officers a written declaration his party designation under which his name is to be printed upon the official ballot for the general election following such primary election.

Official ballots.

Names written on ballots.

Party designation.

Participation of electors in primary election.

Section 10. At the primary election any person shall be entitled to participate therein who is a qualified elector in such precinct, at the time of said primary election. When the voter seeks to pass the guard rail he shall indicate the party ballot he desires and one of the Judges of the primary election shall give him such primary ballot and such person shall thereupon be allowed to vote. The voter's selection shall constitute his declaration of party affiliation.

Challenge of voters.

Section 11. Each political party shall be entitled to have two party challengers present at each polling place, to be appointed by the respective party committeemen. Any Judge or Clerk of any primary election or any party challenger may challenge any voter. Any elector whose party affiliation has been challenged shall (if the

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person challenged insists that he is entitled to vote the ticket of the political party to which he has indicated his party affiliation and the challenge is not withdrawn) one of the Judges shall administer to him the following oath: "You do solemnly swear or affirm that you are in good faith a member of the.....party; and intend to affiliate with said party at the ensuing election;" if the person challenged takes such oath, he shall thereupon be given the ticket of such political party and shall be entitled to cast his vote.

Oath of elector.

Section 12. Before or at the time of beginning to circulate any petition for nomination to any office under this law, the person who is to be a candidate for such nomination shall send by registered mail or otherwise, to the County Clerk or City Clerk, a copy of his petition for nomination, signed by himself, and such copy shall be filed and shall be conclusive evidence for the purpose of this law that said elector has been a candidate for nomination by his party. All nominating petitions and notices pertaining to offices to be filed in one county shall be filed with the County Clerk; and for all city offices, in the office of the City Clerk.

Nominating petitions.

Section 13. The name of any candidate shall not be printed upon the official primary ballot, unless at least thirty (30) days prior to such primary election, he and twenty-five (25) qualified electors of the party with which said candidate affiliates shall file a written application with the proper authority in substantially the following form:

Application to have name of candidate printed on ballot.

To.....(address of the officer with whom the petition is to be filed, and to the members of the .....party and the electors of..... (county), (city), (as the case may be), in the State of Montana—

Form of application.

I,....., affiliated with the..... party, reside at....., and my post office address is....., hereby request that my name be placed upon the official ballot of said..... party for the primary nominating election to be held on the.....day of....., at....., as candidate for the office of....., and I pledge myself to abide the result of said primary election, and if I am nominated for the office of.....at the primary nominating election, to be held in the (county), (city) of.....on the..... day of....., 19...., I will accept the nomin-

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ation and will not withdraw, and if I am elected I will qualify as such officer.

If I am nominated and elected I will, during my term of office (here the candidate, in not exceeding one hundred words, may state any measures or principles he especially advocates, and the form in which he wishes it printed after his name on the nominating ballot, in not exceeding twelve words).

Separate sheets on petition.

Every such petition shall be signed as above by the elector seeking such nomination. There shall be a separate leaf or sheet signed as above on every such petition for each precinct in which it is circulated. After the above, and on separate sheet or sheets, shall be the following petition:

Petition of electors on separate sheets.

To....., the County Clerk for the County of ....., Montana, (or to the City Clerk of.....), (as the case may be)—

We, the undersigned members of the..... party and qualified electors and residents of..... precinct, in the County of....., State of Montana, respectfully request that you will cause to be printed on the official nominating ballot for the..... party, at the aforesaid primary nominating election, the name of the above signed..... (name of applicant) as a candidate for nomination to the office of .....(title of office) by said..... party.

FORM.

Form of petition.

Name.....Post Office Address.....
Street and Number, if any,.....Precinct.....

Name	Post Office Address	Street and Number, if Any	Precinct

Each and every leaf or sheet of said petition containing signatures shall be verified in substantially the following form by one or more of the signers of said petition:

Verification of electors' petition.

State of Montana, County of....., ss.

I,....., being first duly sworn, say: I am personally acquainted with all the persons who have signed this sheet of the foregoing petition, and I personally know that their signatures thereon are genuine; and I believe that their post office address and

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residence are correctly stated and that they are qualified electors and members of the.....party.

.....

(Signatures of Affiant)

Subscribed and sworn to before me this..... day of....., 19.....

.....

(Signature and title of officer before whom oath is made.)

Nomination by electors other than candidate.

Section 14. In case the nomination shall be made by electors other than the candidate, the electors desiring to nominate such person as a candidate for office shall file with the County Clerk or the City Clerk (as the case may be) a petition in substantially the following form:

Form of nominating petition.

To....., the County Clerk for the County of....., Montana, (or to the City Clerk of....., (as the case may be)—

We, the undersigned members of the..... party and qualified electors and residents of..... precinct, in the County of....., State of Montana, respectfully request that you will cause to be printed on the official nominating ballot for the..... party, at the aforesaid primary nominating election, the name of the above signed..... (name of applicant) as a candidate for nomination to the office of.....(title of office) by said party.

And we further state that the said..... is a member of and affiliates with the..... political party and that he has not been a candidate for the same office of any political party at any primary election held in the year preceding the filing of this certificate of nomination.

FORM.

Name.....Post Office Address.....
Street and Number, if any,.....Precinct.....

Name	Post Office Address	Street and Number, if Any	Precinct

Verification of petition.

Each and every leaf or sheet of said petition containing signatures shall be verified in substantially the following form by one or more of the signers of said petition:

State of Montana, County of.....ss.

Form of verification.

I,....., being first duly sworn, say: I am personally acquainted with all the persons who have signed this sheet of the foregoing petition, and I personally know that their signatures thereon are genuine; and

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I believe that their Post Office address and residence are correctly stated and that they are qualified electors and members of the.....party.

.....

(Signature of Affiant)

Subscribed and sworn to before me this..... day of....., 19....

.....

(Signature and title of officer before whom oath is made.)

Statement required of nominee.

Section 15. In case the nomination shall be made by electors, other than the candidate, said nominee shall, within five (5) days after the date said certificate shall be filed with the proper officer, file a statement in writing, duly verified under oath, stating that he affiliates with the party named in said certificate, that he will abide by the results of said primary election, and if elected will qualify and serve as such officer. If such statement shall not be filed within five (5) days, the name of the candidate for the position shall not be placed upon the primary ballot.

Persons qualified to sign petition and vote.

Section 16. No person who is not a qualified elector shall be qualified to join in signing any petition for nomination, or to vote at said primary nominating election. But this shall not be construed to prevent any member of any party from signing a petition for the nomination of any independent or non-partisan candidate after the primary nominating election.

Filing petitions.

Section 17. All petitions for nomination under this Act for offices to be voted for in only one county, or district or city shall be filed with the County Clerk or City Clerk, as the case may be, not less than thirty (30) days before the date of the primary nominating election.

Register of candidates at primary elections to be kept.

Section 18. The County Clerk and the City Clerk of towns and cities having two thousand (2000) inhabitants or more shall keep a book entitled "Register of Candidates of Nomination at the Primary Nominating Election," and he shall enter therein, on different pages of the book for the different political parties subject to the provisions of this law, the title of the office sought and the name and residence of each candidate for nomination at the primary nominating election; the name of his political party; the date of receiving the first copy of his petition signed by the candidate; the words he wishes printed after his name on the nominating ballot, if any; the date of receiving his petition; the number of signatures thereon, and the number of signatures required to make a valid and sufficient petition for nomination to said

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office by his political party, and such other information as may aid him in arranging his official ballot for said primary nominating election. Immediately after the canvass of votes at a primary nominating election is completed, the County Clerk or the City Clerk, as the case may be, shall enter in his book marked "Register of Nominations," the date of such entry, the name of each candidate nominated, the office for which he is nominated, and the name of the party making the nomination.

Registers of candidates to be public records.

Section 19. Such registers of candidates for nomination, and of nominations and petitions, letters and notices, and other writings required by law, as soon as filed, shall be public records, and shall be open to public inspection under proper regulations; and when a copy of any such writing is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officers with whom such writing was filed shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the copy of the person who presented it on payment of his lawful fees therefor. All such writings, poll books, tally sheets, ballots, and ballot stubs pertaining to primary nominating elections under the provisions of this Act shall be preserved as other records are for two years after the election to which they pertain, at which time, unless otherwise ordered or restrained by some court, the County Clerk shall destroy the ballots and ballot stubs, by fire, without any one inspecting the same.

Comparison and correction of copies.

Preservation of records.

Election proclamation.

Section 20. At least sixty (60) days before the holding of any primary election, the Governor shall issue his Proclamation designating all the offices to be filled by primary election and transmit a copy thereof by mail to the County Clerk of each county. Upon the receipt of such proclamation, such County Clerk shall within ten (10) days thereto, make and publish notice of such primary election in the manner and form substantially as provided by law for notices for the November election. Persons to whom said notices may by said County Clerk be delivered shall post and publish the same in the same manner as notices for the general election and in case of said election, the said County Clerk shall post such notices at the regular polling places in each precinct. Said posting shall not be more than twenty (20) and not less than ten (10) days before such primary election.

Notice of primary election.

Posting of notices.

Duties of county clerk.

Section 21. At least twenty (20) days before the primary preceding the general election, the County Clerk shall make public under proper party designation, the title

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of each office, the names and addresses of all persons for whom nomination papers have been filed, the date of the primary, the hours during which the polls will be open and that the primary election will be held at the regular polling places in each precinct. Such Clerk shall cause copies of the same to be posted in at least one public place in each precinct in the county, designating therein the location of the polling booth in each election precinct

Withdrawal of nominee.

Section 22. When any person nominated for public office as in this Act provided, shall at least fifteen (15) days before the primary election, notify the officers with whom the original certificate of nomination was filed, or if a municipal office, the clerk of the city or town, by statement in writing by him, duly acknowledged, that he declines such nomination, that the same shall be void and his name shall not be printed upon the ballot, but if such declaration shall be received after the time above specified, the officer to whom such notification be given, shall inform, by mail or otherwise, one or more persons whose names are attached to the original certificate of nomination, provided he was nominated by a Convention or Committee or if nominated at the primary election, provided for in this Act, the Chairman or Secretary of the Campaign or party committee of his political party, if there be one, and if not, at least three (3) of the prominent members of his political party in the county, that he has declined such nomination by mailing or delivering to them personally notice of such facts and three (3) days shall be given such party Committee or Convention to name a person to fill such vancancy. All certificates of nomination or nomination statements which are in apparent conformity with the provisions of this Act, shall be deemed to be valid, unless objection thereto shall be duly made in writing within three (3) days after the filing of the same. In case such objection is made, notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in the certificate of nomination or in the nomination affidavits of such person on file with that office. Objections to the use of party name may also be made and passed upon in the same manner as objections to certificates of nomination statements. The officer with whom the original certificate was filed or who made an affidavit to the original nominating statements shall in the first instance pass upon the validity of such objection and his decision shall be final, unless an order shall be made in the matter by the District Court of a Judge

Filling vacancies.

Validity of nominating certificates and statements.

Objections to certificates.

By whom objections determined.

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of the Supreme Court at Chambers on or before the second Wednesday preceding the election. Such order may be made summarily upon application of any party insisting upon such notice as the Court or Judge may require. The decision of the proper officer or an order of a Supreme Court Justice shall be binding upon all officers with whom certificates of nomination were filed.

Judicial determination of objections.

Section 23. In case of a division of any party the Secretary of State shall give the preference of party name to the Convention held at the time and place designated in the call of the regularly constituted party authorities and if the other faction or factions shall present any other party name, the Secretary of State shall select a name or title and place the same upon the ballot before the list of candidates of such faction. The actions of the preceding National Conventions of such party regularly called shall determine the action of the Secretary of State or Court in its decision.

Selection of party name in case of division.

Section 24. Should any person nominated, die before election or decline the nomination or should a vacancy or vacancies arise from any cause before said time, such vacancy or vacancies shall be filled by the majority vote of the proper Committee of the same political party. The Chairmen or the Secretary of such Campaign Committee shall thereupon make and file with the proper officers a certificate, setting forth the cause of the vacancy, the name of the person so nominated and the office for which he was nominated, the name of the person for which the new nominee is to be substituted, the Place of residence of such person so nominated, and, if in a city, the street or number of the residence or place of business, together with the name of the political party with which the party so nominated affiliates and which said committee represents. Such certificate shall be signed by such officers with the names and places of their residence, and severally sworn to by them before some officer authorized to administer oaths. If there be no campaign or political committee of such name, then a mass convention of such party shall fill such vacancy, and the Chairman and Secretary of such convention shall make and file with the proper officers a certificate in form and manner as herein required to be filed by the chairmen and secretary of the campaign or party committee; said certificate so made, executed and sworn to in the manner prescribed herein shall, upon being filed at least eight (8) days before the election, have the same force and effect as the

Vacancies occurring by reason of death of nominee or other cause, how filled.

Certificate regarding vacancy, what to contain.

Vacancy to be filled by mass convention, when.

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original certificate of nomination or the nomination statement provided for in this Act.

Nominations to be made by convention of committee, when.

Section 25. All nominations for candidates of any political party for office to be filled at a special election or any other office to be filled by the electors, excepted from the provisions of this Act, shall be nominated by a convention or committee of their political party, which nomination shall be in writing, shall contain the name of the office for which each person was nominated, the name and residence of each person, and if in a city, the street, number of residence, and place of business, if any, and shall designate in not more five (5) words, the party which said convention or committee represents. It shall be signed by a presiding officer and the secretary of such convention or committee, who shall add to their signatures their respective places of business and take an oath before a qualified officer to administer the same, that the affiants were such officers at such convention or committee and that said certificate, and the statements therein donated are true to the best of their knowledge and belief. Such certificates of nomination of candidates for office to be filled by the voters of the entire state, or any division or district greater than a county, including candidates for Congress, shall be filed with the Secretary of State, except as in this Act otherwise provided. Such certificate of nomination for all county, district, township, or precinct officers, including members of both branches of the legislature, shall be filed with the county clerk of the respective counties wherein the officers are to be elected, and in case the legislative districts from which the candidate is to be elected embraces more than one county, then and in that case the certificate shall be filed with the county clerk of each county included in such district; certificate for nomination of the Judge of the District Court shall be filed with the Secretary of State; certificates for nomination of municipal corporation wherein the officers are to be elected.

Requisites of certificate of nomination.

Where certificates of nomination are to be filed.

Abstracts of votes.

Section 26. On the third day after the close of any primary nominating election, or sooner if all the returns be received, the County Commissioners shall proceed to open said returns and make abstracts of the votes. The abstracts of votes for county and precinct offices, delegates and alternate delegates to the State Convention and precinct committeemen shall be on a sheet separately for each political party; and it shall be the duty of said clerk immediately to certify the nomination for each party and enter upon his register of nominations the name of each

Certification and registration of nominations.

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of the persons having the highest number of votes for nomination as candidates for members of the Legislative Assembly, county and precinct offices, delegates and alternate delegates to the State Convention and precinct committee-men, respectively, and to notify by mail each person who is so nominated; provided, that when a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the County Clerk shall give notice to the several persons so having the highest and equal number of votes to attend at his office at a time to be appointed by said clerk, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party; and said clerk shall forthwith enter upon his register of nominations the name of the persons thus duly nominated, in like manner as though he had received the highest number of the votes of his party for that nomination; and it shall be the duty of the County Clerk of every county, on receipt of the returns of any general primary nominating election, to make out his certificate stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the Board of County Commissioners at its next term, and the said board shall order the compensation aforesaid to be paid out of the county treasury. In all primary nominating elections in this State, under the provisions of this law, the person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office.

Tie votes to be decided by lot.

Compensation of election officers.

Highest vote confers nomination.

Section 27. When nominations are made by a convention or committee, as provided for in Section 25, the certificates of nomination to be filed with the Secretary of State shall be filed not less than thirty (30) days before the day fixed by law for the election of persons in nomination, and the certificate of nomination herein directed to be filed with the County Clerk shall be filed not less than twenty (20) days before election, and the certificates of nomination herein directed to be filed with the municipal clerk shall be filed not less than ten (10) days before election. Certificates of nomination for a new party may be filed with the Secretary of State or the county or municipal clerk twenty-five (25) or twenty (20) or fifteen (15) days before election, as the case may require.

Certificates of nomination, time for filing.

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Formation of new parties.

Section 28. In order to form a new party there shall be present at a mass convention electors to the number of at least Three Hundred (300) in a State Convention, representing at least one-fourth of the counties of the State of Montana; fifty (50) in a Congressionel or Judicial District Convention, representing at least one-fourth of the counties in the Congressionel or Judicial District, or twenty-five (25) in any county, city, village, or ward convention, except in cities or counties having a population of Ten Thousand (10,000) or more, when at least Fifty (50) shall be required, representing at least one-fourth of the wards in such city.

Party name.

Section 29. Such convention shall adopt a party name, but the name of any old political party or any word forming any part of such name shall not be adopted, and electors to at least the number respectively above mentioned, and electors to at least the number specified in the next preceding section shall sign an agreement to form such new party and support its nominees at the next election, and upon filing such written agreement with the Secretary of State, county, city, village clerk, as the case may be, together with an affidavit of some qualified elector that he saw all of the persons whose names are signed to such agreement subscribe the same and he verily believes them all to be qualified electors.

Agreement to support nominees.

Separate party ballot.

Section 30. Such new party shall be entitled to have a separate party ballot at the next primary election held thereafter; provided, its candidates for nomination shall be required to file nomination papers signed by at least fifty (50) per cent of those who subscribed the agreement to form such new party. When the name of a candidate appears on a petition presented by a political party or members thereof with the required number of signers, and it is expressly stated in said petition that the candidate is a candidate of two or more parties, each of which shall be entitled to nominate a candidate, then it shall be the duty of the officer making up the ballot to place the name of such candidate or candidates upon the ballot in the same manner as now provided for in the general election law for ballots at the general election.

Name of candidate of more than one party, how printed on ballot.

Laws applicable to primary elections.

Section 31. All laws of the State of Montana, relating to balloting on election for public offices, the manner of the conduct of the election and the counting and canvassing of the returns, except as herein otherwise provided, shall be applicable to the primary election hereinafter provided for.

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Canvass of votes.

Section 32. The Board of County Commissioners shall canvass the returns of said primary election within ten (10) days after said election and shall certify to the County Clerk the result of said election and the County Clerk shall within five (5) days certify to the Chairman of the respective political parties of the State, a true and correct list of the names of all persons elected as delegates and alternate delegates to the State Convention and the name of the State Committeeman so elected, which said certificate shall be addressed to the Chairman of the respective political parties at his place of residence.

Certificates of election.

Names of candidates, how printed.

Section 33. The names of the candidates of each political party for the nomination of the several offices and delegates or alternate delegates to the county, state or municipal conventions and party committee men shall be printed in black ink on separate sheets, the paper to be uniform in color, quality, texture, size, with the name of the political party printed at the head of said ballot. Each ballot shall be prepared by the County Clerk in the same manner as for general elections, except as herein otherwise provided. The names of the candidates for the offices of delegates and alternate delegates and State Committee-men to the State Convention shall be arranged and printed on the primary election ballot in the following manner, to-wit:

Official ballots.

Arrangement of ballots.

The County Clerk shall prepare a list of the election precincts of his county by arranging the various election precincts in numerical order. He shall then arrange the surnames for delegates and alternate delegates and State Committee-men alphabetically; for the respective offices of delegates and alternate delegates and State Committeeman for the first precinct in the list and thereafter for each succeeding precinct, the names appearing first for the respective office in list preceding, shall be placed last, so that the names that were second before the change shall be first following the change. The names of the candidates for delegate and alternate delegate and party committee-man, filed by the voters of any city or county shall be arranged and printed alphabetically according to the surnames of the respective parties.

Sample ballots.

Extra number of sample ballots.

Section 34. After the printing of the official ballots, the County Clerk shall cause to be prepared a sufficient number of sample ballots upon different colored paper, not to exceed twenty (20) in each precinct in the county; provided, that any political party may order an extra number of sample ballots of the County Clerk who shall collect from the political party thus ordering the same,

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Distribution of sample ballots.

an amount sufficient to pay the cost of printing such sample ballots. The County Clerk shall distribute such sample ballots with the official ballots and it shall be the duty of the Judges of Election to see that such sample ballots are posted in all polling places before the day of the primary election and before the opening of the polls.

Election supplies.

Section 35. All necessary election supplies as provided by law for the general election shall be furnished for the primary election for each precinct by the County Clerk.

Certification of number of delegates.

Section 36. The Chairman and Secretary of the political party in the State of Montana, shall at least sixty (60) days preceding the holding of any primary election, certify to the County Clerk of each of the several counties of the State, the number of delegates and alternate delegates to which each county shall be entitled to represent said county in the State Convention and the County Clerk shall cause to be published a notice containing the number of delegates to which each political party is entitled as delegates and alternate delegates to the State Convention in said political party at least forty-five (45) days preceding the holding of said primary election.

Notice of number of delegates.

State convention, time of holding.

Section 37. The State Convention of each political party composed of delegates chosen in the manner herein provided, shall be held not later than the first Thursday in August of each year preceding the general election and in years that a President and Vice-President of the United States is to be elected, the State Convention of each political party composed of the delegates chosen in the manner herein provided, shall be held not later than the first Tuesday in June of each year. The time and place for holding the said State Convention shall be as determined upon by the party organization. Notice of State Conventions shall be given by the party organization at least thirty (30) days preceding the holding of said convention. The Convention shall be called to order by the Chairman of the State Central Committee who shall present a list of delegates and alternate delegates as certified by the County Clerks of the respective counties. In the event of any vacancy occurring in the office of delegate or alternate delegate to the State Convention, the County Convention when assembled, shall proceed to fill such vacancy and shall certify to the State Central Committee their action in relation thereto. The State Convention shall then proceed to perfect an organization. If any county shall not be fully represented, the delegates present shall cast the full vote thereof, but there shall be no proxies. Such Convention when permanently organized

By whom time and place of holding determined.

Notice of state convention.

By whom called to order.

Vacancies in office of delegate or alternate.

Organization.

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shall formulate and adopt the state platform of the party it represents and shall make nominations of the candidates for the party for state offices to be filled by the voters of the entire State of Montana, including the office of Senator in the Congress of the United States. The members of the State Central Committee elected at the primary election shall organize immediately after the adjournment of the State Convention as is usual in the manner customary with such Committees.

State platform.

Nominations for office.

State central committee.

Section 38. In any Judicial or Congressional District composed of more than one county at the time of the meeting of the State Convention, the delegates and alternate delegates to the State Convention shall compose the Judicial Congressional Convention for the district within which they are embraced and said Judicial or Congressional Convention shall organize in the same manner as the State Convention and shall make nominations for Judicial or Congressional candidates within the respective Judicial or Congressional Districts.

Judicial or congressional convention.

Section 39. All nominations made by conventions or primary meetings, as herein provided for, shall be certified as follows: Certificates of nomination which must be in writing, and must contain the name of each person nominated, his residence, his business, his business address and the office for which he is nominated and must designate the political party or principle which convention or primary meeting represents. It must be signed by the presiding officer and secretary of said convention who must add their signatures, their respective places of residence, business and business address. Such certificate must be delivered by the Secretary or President of such Convention to the Secretary of State or the County Clerk or to the City Clerk. Certificates of nomination for candidates for office to be filled by electors of the entire state or any division of the state greater than a County must be filed with the Secretary of State. Certificates of nomination to be filed with the Secretary of State must be filed not more than five (5) days after the convention making the nomination has adjourned.

Certificates of nomination, what to contain.

Where filed.

Period for filing.

Section 40. The regularly organized political committee of each party as at present or hereinafter constituted may continue to act until supplemented by committee under the provisions of this Act.

Political committees may continue to act.

Section 41. Any person entitled to vote at a primary election shall on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours

Privileges of voters.

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between the time of opening and closing the polls, and such voter shall not, because of so absenting himself, be liable to any penalty nor shall any deduction be made on account of such absence, from his usual salary or wages; provided, however, application for such leave of absence shall be made prior to the day of the primaries. The employer may specify the hours during which the employee may absent himself.

Persons entitled to be candidates.

Section 42. The person receiving the greatest number of votes at a primary as the candidate of a party for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the following election.

Power of district court to correct errors, restrain wrongful acts, and prevent irregularities.

Section 43. Whenever it shall appear by affidavit to the district court or judge thereof, or to the Supreme Court or Judge thereof, that an error or omission has occurred or is about to occur in the printing of the ballots, or that the name of any person or any other matter has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed by any Judge or Clerk of the primary election, County Clerk, Canvassing Board or member thereof, or by any person charged with a duty under this Act, or that any neglect of duty by any of the persons aforesaid has occurred or is about to occur, such Court or Judge shall by order require the officer or person or persons charged with the error, wrongful act or neglect, to forthwith correct the error, desist from the wrongful act, or perform the duty and do as the Court shall order, or show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order performed. Failure to obey the order of any such Court or Judge shall be contempt. Any person in interest or aggrieved by the refusal or failure of any person to perform any duty or act required by this law, shall, without derogation to any other right or remedy, be entitled to pray for a mandamus in the district court of appropriate jurisdiction, and any proceeding under the provisions of this law shall be immediately heard and decided.

Mandamus or other remedy to compel performance of duty.

Contest of nominations.

Notice of contest.

Section 44. Any person wishing to contest the nomination of any other person to any State, County, District, Township, Precinct, or Municipal office may give notice in writing to the person whose nomination he intends to contest that his nomination will be contested stating the cause to such contest briefly, within five (5) days from the time said person shall claim to have been nominated.

Section 45. Said notice shall be served in the same

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manner as a summons issued out of the district court three (3) days before any hearing upon such contest, as herein provided, shall take place, and shall state the time and place that such hearing shall be had. Upon the return of said notice served to the Clerk of the Court, he shall thereupon enter the same upon his issue docket as an appeal case, and the same shall be heard forthwith by the District Court; provided, that if the case can not be determined by the District Court in term time, within fifteen (15) days after the termination of such primary nominating election, the Judge of the District Court may hear and determine the same at chambers forthwith, and shall make all necessary orders for the trial of the case and carrying his judgment into effect; provided, that the District Court provision of this section shall not apply to township or precinct officers. In case of contest between any persons claiming to be nominated to any township or precinct office, said notice shall be served in the manner aforesaid, and shall be returned to the District Court of the County.

Manner of service and contents of notice.

Hearing of contest.

May be heard forthwith, when.

Not to apply to township and precinct officers.

Section 46. The provisions of Section 7234 and 7249, Revised Codes of Montana, 1907, so far as the same do not conflict with the provisions of this law, shall apply to and are hereby made applicable to primary nominating elections held under the provisions of this law.

Laws applicable to primary elections.

Section 47. Each party to such contest shall be entitled to subpoenas, and subpoenas duces tecum, as in ordinary case of law; and the court shall hear and determine the same without intervention of a jury; in such manner as shall carry into effect the expressed will of a majority of the legal voters of the political party, as indicated by their votes for such nominations, not regarding technicalities or errors in spelling the name of any candidate for such nomination; and the County Clerk shall issue a certificate to the person declared to be duly nominated by said Court, which shall be conclusive evidence of the right of said person to hold said nomination; provided, that the judgment or decision of the District Court, in term time, or a decision of the judge thereof in vacation, as the case may be, may be removed to the Supreme Court in such manner as may be provided for removing such causes from the district court to the Supreme Court.

Procedure for the determination of contests.

Issuance of nominating certificate.

Right of appeal.

Section 48. This Act shall take effect and be in force on and after the 31st day of December, 1919; provided the same be ratified by a majority of the votes cast at the said election.

When Act takes effect.

Section 49. There shall be a referendum upon this Act,

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Submission of Act to referendum vote.

and the Secretary of State is hereby required and it is made his duty to submit this measure, in accordance with Article V. Section 1 of the Constitution of the State of Montana to the people of the state, for their approval or rejection, on the first Tuesday in September, 1919.

Ballots to be used at referendum election.

Section 50. Separate ballots shall be used at such special election to be held on the first Tuesday in September, 1919, which shall have printed thereon the words: "For Senate Bill No. 124 providing for the Nomination of Candidates for Public Office"—"Against Senate Bill No. 124 providing for the Nomination of Candidates for Public Office."

Majority vote determines result.

Section 51. If a majority of the votes cast at said election shall be in favor of this Act, this Act shall then take effect and be in force from and after the 31st day of December, 1919.

Act not to apply to what cities.

Section 52. Provided, however, that nothing in this Act shall apply to cities operating under the Managerial form of Government.

Repealing clause.

Section 53. All Acts and parts of Acts in conflict herewith, and particularly all laws of the State of Montana relating to the nomination of candidates for offices to be filled by direct vote of the people of the State of Montana, are hereby repealed.

Approved March 4, 1919.

CHAPTER 114.

"An Act to Provide a Statute of Limitation of Sixty Days Within Which Any Action Must Be Brought to Restrain the Issuance and Sale of Bonds, or the Levy of Taxes for the Payment of Bonds, of Any School District, County, City or Town, in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Limitation of time of commencing action to restrain bond issue.

Section 1. No action can be brought for the purpose of restraining the issuance and sale of bonds by any school district, county, city or town in the State of Montana, or for the purpose of restraining the levy and collection of taxes for the payment of such bonds, after the expiration of sixty days from the date of the order authorizing the issuance and sale of such bonds, on account of any defect, irregularity or informality in giving notice or in holding the election upon the question of such bond issue.

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Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 115.

"An Act to Amend Section 499 of the Montana Revised Codes of 1907, Relative to the Establishment of Voting Precincts in the Indian Country."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 499, Revised Codes, amended.

Section 1. That Section 499 of the Revised Codes of 1907, being Section 499, Chapter IV, Title II, Part III, of the Codes, be, and the same is, hereby amended to read as follows:

Voting precinct shall not be established, when.

"Section 499. No officer of this State, nor of any County, shall establish a voting precinct within or at the premises of any Indian agency or trading post."

Section 2. All Acts and Parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1919.

CHAPTER 116.

"An Act to Amend and Re-enact Sections 1, 2, 3, 6, 7, 8, and 9 of Chapter 153 of the Montana Session Laws, 1917; Relating to the Creation, Organization and Government of Irrigation Districts."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 1 of Chapter 153, Montana Session Laws, 1917 is hereby amended to read as follows:

Irrigation district; who may propose the establishment of an irrigating district.

"Section 1. **Who May Organize Districts**—A majority in number of the holders of title, or evidence of title, to lands susceptible of irrigation from the same general source, and by the same general system of works, such holders of title or evidence of title, also representing a majority in acreage of said lands, may propose the establishment and organization of an irrigation district under

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District may be formed to co-operate with Federal government.

the provisions of this Act. Irrigation Districts may be formed in order to cooperate with the United States under the Federal Reclamation Laws heretofore or hereafter enatced, or under any act of Congress which shall permit of the performance by the United States of work in this State, for the purposes of construction of irrigation works including drainage works, or for purchase, extension, operation, or maintenance of constructed works, or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands. When so organized such district shall have the powers conferred, or that may hereafter be conferred, by law upon such irrigation district. The county assessment roll or rolls for the year last preceding, or the certificate of the County Clerk and Recorder, or the certificate of the Register of the State Land Office, shall be sufficient evidence of title for the purpose of this Act. Where lands have been purchased from the State and part or all of the purchase money has been paid but the patents or deeds from the State to such lands have not been issued, the receipt or receipts held by the purchasers, or the certificate of the Register of the State Land Office showing the payments on account of purchase, shall be evidence of title to such lands, under this Act. For the purposes of this Act, entrymen of public lands of the United States within the district shall be deemed to be holders of evidence of title and shall share all the privileges and obligations of owners of land within the district, subject to the provisions of the Act of Congress approved August 11, 1916, entitled "An Act to promote the reclamation of arid lands."

Powers.

Sufficient evidence of title.

Evidence of title when lands were purchased from state.

Entrymen on public lands.

Law amended.

Section 2. That Section 2 of Chapter 153, Montana Session Laws, 1917 is hereby amended to read as follows:

District court shall hear petition, when.

"Section 2. **Hearing on Petition and Appointment of Commissioners.** At the time specified in the notice mentioned in the preceding section, the District Court in which the petition aforesaid is filed shall hear the petition, but may adjourn such hearing from time to time, not exceeding three weeks in all, and may continue the hearing for want of sufficient notice or other good cause. The Court, upon application of the petitioners, or any person or persons interested, shall permit the petition to be amended, and may order further or additional notice to be given. Upon such hearing all persons interested whose lands or rights may be damaged or benefited by the organization of the district or the irrigation works or improvements therein or to be acquired or constructed as hereinafter set forth, may appear and contest the necessity or

Adjournments.

Petition may be amended, when.

Who may appear and contest.

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utility of the proposed district, or any part thereof, and the contestants and petitioners, may offer any competent evidence in regard thereto.

Court shall hear and determine, what.

It shall be the duty of the Court to hear and determine whether the requirements of Sections one (1) two (2) and three (3) of this Act, have been complied with and for that purpose shall hear all competent and relevant testimony that may be offered.

Power of court to make changes in proposed district.

The Court may make such changes in the proposed district as may be deemed advisable, or as fact, right and justice may require; but shall not exclude from such proposed district any land which is susceptible of irrigation from the same general source and by the same general system of works applicable to the other lands of such proposed district if the owner or owners of such lands shall file in such District Court a written request that such lands be included in such district; nor shall any lands which will not in the judgment of the Court, be benefited by irrigation by means of said system of works, nor shall lands already under irrigation, nor lands having water rights appurtenant thereto, nor lands that can be irrigated from sources more feasible than the district system, be included within such proposed district, unless the owner of such lands shall consent in writing to the inclusion of such lands, in the proposed district, as hereinafter provided, and to this end the Court may subdivide lands included within the petition or proposed at the hearing to be included within such district into forty acre tracts or smaller subdivisions thereof, Provided, however, that where a district is formed to co-operate with the United States, lands previously irrigated and having water-rights appurtenant thereto may be included within the district boundaries if it shall appear to the Court that the same will be benefited thereby. And provided further, that all lands having water rights appurtenant thereto which are served by a system of irrigation works supplying more than Ten Thousand acres of land, may, in the discretion of the Court, be included in the proposed district on petition of at least a majority both in number and acreage of the holders of title or evidence of title to the land having water rights appurtenant thereto and served by the same system of irrigation works. Lands of the district need not be contiguous, and any particular tract or tracts, irrespective of their location in the district, may be excluded.

Lands which can not be excluded.

Lands which can not be included.

Court may subdivide lands into 40-acre tracts.

Where district is formed to co-operate with Federal government.

When lands already irrigated may be included.

Not required to be contiguous.

If, in final hearing, it is found by the Court that the petition does not substantially comply with the aforesaid

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Petition shall be dismissed at cost of petitioners, when.

requirements of this Act, or that the facts therein stated are not sustained by the evidence, then the Court shall dismiss the petition at the cost of the petitioners, and shall make and enter an order to that effect; but if it is found that said petition substantially complies with said requirements and that the facts therein stated are sustained by the evidence, then the Court shall make and enter an order:

Findings of court when petition and evidence sufficient.

(1) Setting forth said findings and allowing said petition.

(2) Establishing the proposed district

(3) Giving accurate descriptions of the lands included within the proposed district.

(4) Dividing the proposed district into three, five or seven divisions, as may be advisable in view of the size of the district.

(5) Appointing as commissioner one competent person for each division of the district having the qualifications as provided by Section 5 of this Act.

Findings and order conclusive upon whom, and when.

Such finding and order shall be conclusive upon all the owners of lands within the district that they have assented to and accepted the provisions of this Act; and shall be final unless appealed from to the Supreme Court within 60 days from the day of entry of such order. A copy of such order duly certified to by the Clerk of said Court, shall be filed for record within thirty days after such order is made and entered with the County Clerk and Recorder of the county wherein the lands included within such district are situated; provided, however, there shall be omitted from such copy lands not situated in the county in which such copy is filed.

Order to be filed, where and when

District declared to be a public corporation.

Every irrigation district so established hereunder is hereby declared to be a public corporation for the promotion of the public welfare, and the lands included therein shall constitute all the taxable and assessable property of such district for the purposes of this Act."

Law amended.

Section 3. That Section 3 of Chapter 153, Montana Session Laws 1917 is hereby amended to read as follows:

Board of irrigation commissioners to constitute the corporate authority.

"Section 3. **The Board of Commissioners—Their Status, Powers, and Duties.**—The Board of Commissioners of every irrigation district established and organized under and by virtue of this Act shall constitute the corporate authority of said district. They shall have the

Powers and duties.

power, and it shall be their duty to manage and conduct the business and affairs of the district; adopt a corporate seal therefor; make and execute all necessary contracts; employ and appoint such agents, officers, and employees

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as may be required, and prescribe their duties. The Board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works, including drainage works and the line for any canal or canals, and necessary branches for the same, on any lands which in the judgment of the Board may be deemed best suited for such location. Such Board shall have power and authority to appropriate water in the name of the district, and to acquire by purchase water and water-rights, and to acquire by purchase, condemnation, or other legal means, lands for rights-of-way, lands for reservoirs for the storage of needful waters, lands for dam sites, and such other lands as may be necessary for the construction, use maintenance, repairs, and improvement of such system of works, and also to acquire by purchase canals and works already constructed, or in course of construction and to contract with the owner or owners of such canals and works so purchased and in course of construction for the completion thereof. But no purchase of any water, or water-rights, or canals, or reservoirs, or reservoir sites or irrigation works, or other property of any nature or kind for a price in excess of Ten Thousand Dollars shall be final or binding on the district, nor shall the purchase price thereof be paid without the written consent or petition of at least a majority in number and acreage of the holders of title, or evidence of title to the lands within the district. For the purpose of acquiring control over government land within the district and of complying with the provisions of the act of Congress of August 11, 1916, they shall have authority to make such investigations, and base thereon, such representations and assurances to the Secretary of the Interior as may be requisite. Said Board may enter into any obligation or contract with the United States for the construction, operation and maintenance of the necessary works for the delivery and distribution of water therefrom, and of the necessary drainage works; or for the assumption, as principal or guarantor of indebtedness to the United States on account of district lands, under the provisions of the Federal Reclamation Act and all Acts amendatory thereof or supplementary thereto and the rules and regulations established thereunder; or the Board may contract with the United States for a water supply under any Act of Congress providing for or permitting such contract, and in case contract has been or may hereafter be made with

May enter upon lands, for what purposes.

May appropriate water.

Purchase and condemn lands.

Acquire canals and ditches.

Limit to price to be paid without consent of majority.

Power to make representations and assurances to Secretary of the Interior.

Contracts with the U. S. government.

For water supply.

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Bonds of district may be deposited with United States.

the United States as herein provided, bonds of the District may be deposited with the United States at ninety per cent of their par value, to the amount to be paid by the District to the United States under any such contract, the interest on said bonds of the District, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the District are not so deposited

Duty of board to include what in any levy or assessment.

it shall be the duty of the Board of Commissioners to include as part of any levy or assessment provided for in Section 46, an amount sufficient to meet each year all payments accruing under the terms of any such contract;

May make collections for the U. S., when.

and the Board may accept on behalf of the District, appointment of the District as fiscal agent of the United States, or authorization of the District by the United States, to make collections of moneys for or on behalf of the United States in connection with any Federal Reclamation project, whereupon the District shall be authorized

May assume what duties and liabilities.

to so act and to assume the duties and liabilities incident to such action, and the said Board shall have full power to do any and all things required by the Federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the Federal Government in regard thereto, including the power to require the prompt payment of all charges as a

May construct dams, etc.

prerequisite to water service. Said Board may also construct and maintain the necessary dams, reservoirs and works for the collection and distribution of water for the District, and do any and every lawful act necessary to be done in order that sufficient water may be furnished to each land owner in the District for irrigation purposes.

Power to take conveyances in name of district.

The said Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the

Maintain actions.

name of the District, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions

Enforce and maintain rights.

of this Act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof, and in all courts, suits, or proceedings, the said Board may sue, appear and defend in person or by attorneys, and in the

Adopt rules and by-laws.

name of such irrigation district. The said Board may adopt rules and by-laws governing the calling and holding of meetings of the Board, the manner of transacting busi-

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ness thereat, and the publishing or posting of the orders, resolutions, and proceedings of the Board. It shall be the duty of said Board to pass or adopt by-laws, rules and regulations for the apportionment and distribution of water to the lands of the District, and for the protection and preservation of the works and other property of the district, which shall be printed in convenient form for distribution in the district. Said Board shall have power generally to do and perform all such other acts as shall be necessary or appropriate to fully carry out the purposes of this act. All orders and resolutions shall be passed or adopted by a majority of the Commissioners by a yea and nay vote, to be entered upon the Records of the Board. For the purpose of purchasing or constructing necessary irrigation canals or works or acquiring the necessary property and rights therefor and otherwise carrying out the provisions of this act, the Board of Commissioners of any such irrigation district must as soon after such district has been organized, as practicable, formulate a general plan for such purchase, construction, and acquisition of such property, and shall cause such surveys, examinations, and plans to be made as shall demonstrate the practicability of such plans, the amount of land that can be irrigated thereunder, and furnish the proper basis for an estimate of the cost of carrying out such plan and the value of any canal, works, property, or system of irrigation proposed to be purchased. All such surveys, examinations, maps, plans, and estimates shall be made by or under the direction and supervision of an irrigation engineer of well known standing and competency, and all such necessary surveys, examinations, maps, plans, and estimates must be certified to by him. When all such are completed, he shall submit them with all proper field notes to and file them with the Board of Commissioners accompanied by his report and recommendation thereon. This report shall include a discussion of said plans by him submitted to said Board, of the question of water supply, of the sufficiency of the works proposed to accomplish the desired results, of the practicability of the proposed system from an engineering standpoint, of the probability of being acquired or constructed within the estimate of the cost stated, and such general discussion and recommendation in regard to the engineering and financial features of the whole matter as in the judgment of such engineer shall be desirable for the information of the people of the district. Such report shall be accompanied

Rules and by-laws for distribution of water, etc.

Printing and distributing rules, etc.

General powers.

Adoption of orders and resolutions and record thereof.

General plan to be formulated and adopted, when and for what purpose.

Surveys and examinations, maps and plans to be made by whom.

Certified by engineer and filed with board.

Report of engineer shall include what.

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Board to determine amount of money necessary, when.

by a map when such is necessary for a proper explanation or understanding of the same. Upon receiving such report said Board of Commissioners shall proceed to determine the amount of money necessary to be raised for the purchase or construction of said proposed property, canals, or irrigation works and system, and within ten days after arriving at such determination shall cause the secretary of said Board to notify all persons or corporations holding title, or evidence of title, to lands within said district (ascertained as provided in Section 1 of this act) of the filing of said report and their determination thereon. Said notices shall be given through the United States mail by letter addressed to such person or corporation at their last known post office address of each person or corporation aforesaid. A certificate of the Secretary of the Board as to the fact of mailing said notice, affixed to a copy of said notice and recorded in the record book of said Board of Commissioners, shall be sufficient and conclusive evidence of such fact.

Notice of determination to to be given to whom and how.

What shall be conclusive evidence of the giving of required notice.

Law amended.

Section 4. That Section 6 of Chapter 153, Montana Session Laws 1917, is hereby amended to read as follows:

Lands already irrigated may be included in district, when.

To receive what amount of water.

Use of old ditches, and compensation for same.

When irrigated lands are not to be included in district.

Irrigated lands may be included in district formed to co-operate with the United States.

Section 6. **Lands Under Irrigation from Same or Other Sources.**—Any land already under irrigation from any source may be included in any irrigation district, either at the time of the organization of such district, or at any time thereafter, and such land shall be entitled to receive and shall be given the same amount of water necessarily used thereon at the time of such inclusion; and the canals, ditches, flumes, dams, or other works previously used to irrigate such land, may be used or supplanted either wholly or in part by the district works; provided, however, that the owner of such land, canals, ditches, flumes, dams or other works shall be entitled to compensation for any and all damage sustained by reason of the appropriation of the same, or by the construction of said district works; provided however, that lands already under irrigation, or lands having water rights appurtenant thereto, or lands which can be irrigated from sources more feasible than the district system, shall not be included within such district unless the owner of such lands shall consent in writing to have such lands included in said district. Provided, however, that districts formed to co-operate with the United States may extend their boundaries to include such lands upon petition of the owners of two-thirds only of the acreage of the lands to be included, and the boundaries shall be susceptible of change as in Section 24 of

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this act provided." And provided further, that all lands having water rights appurtenant thereto which are served by a system of irrigation works supplying more than Ten Thousand acres of land, may, in the discretion of the Court, be included in the proposed district on petition of at least a majority both in number and acreage of the holders of title or evidence of title to the land having water rights appurtenant thereto and served by the same system of irrigation works.

Other irrigated lands.

Section 5. That Section 7 of Chapter 153, Montana Session Laws, 1917, is hereby amended to read as follows:

Law amended.

"Section 7. **Petition for Bonds and Action Thereon.**— For the purpose of providing the necessary funds for constructing necessary irrigation canals and works, including drainage works, and acquiring the necessary property and rights therefor, and meeting the expense incident thereto and for the purpose of acquiring by purchase or otherwise, water-rights, canals, and irrigation works, including drainage works, constructed or partially constructed, and for the assumption, as principal or guarantor of indebtedness to the United States on account of district lands, and for the purpose of otherwise carrying out the provisions of this act, the Board of Commissioners of any district organized hereunder may issue the negotiable coupon bonds of the district as and in the manner hereinafter provided. No bonds shall be issued by or on behalf of any irrigation district organized hereunder, and no contract shall be made with the United States as in Section 9 provided, except upon a petition signed by at least a majority in number and acreage of the holders of title or evidence of title to the lands included within said district. Such petition shall be addressed to the Board of Commissioners; shall set forth the aggregate amount of bonds to be issued, and the purpose or purposes thereof; shall have attached thereto an affidavit verifying the signature and shall be filed with the Secretary of the Board of Commissioners. Upon the filing of such petition of Board of Commissioners shall by appropriate order or resolution authorize and direct the issuance of the bonds of the district to the amount and for the purpose or purposes specified in the petition, fix the numbers, denominations, and maturity or maturities of said bonds; specify the rate of interest thereon; and whether payable annually or semi-annually; designate the place of payment of said bonds and the interest coupons, prescribe the form of said bonds and interest coupons to be attached thereto;

Bonds may be issued for what purpose.

Petition for the issue of bonds and for contracting with the United States.

Requirements of petition.

Board to authorize bond issue by due order, when.

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but if contract is to be made with the United States as in Section 9 provided, and bonds are not to be deposited with the United States in connection with such contract, the Board of Commissioners need not authorize the issuance of bonds, or if bonds are required in addition to such contract, may authorize bonds only for the amount needed in addition to such contract; and provide for the levy of a special tax or assessment as in this act provided on all the lands in the district for the irrigation and benefit of which said district was organized and said bonds are issued, or said contract is to be made, sufficient in amount to pay the interest on and principal of said bond when due, and all amounts to be paid to the United States under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States as in Section 9 provided.

Bonds must not issue, when.

Limited to amount needed, when.

Special tax levy.

Such order or resolution shall also provide for the confirmation proceedings in the District court hereinafter mentioned."

Confirmation proceedings in district court.

Section 6. That Section 8 of Chapter 153, Montana Session Laws, 1917 is hereby amended to read as follows:

Law amended.

"Section 8. **Liens of Bonds.**—All bonds issued hereunder, and all amounts to be paid to the United States under any contract between the district and the United States Accompanying, which bonds of the district have not been deposited with the United States as in Section 9 provided, shall be a lien upon all the lands orginally or at any time included in the district for the irrigation and benefit of which said irrigation district was organized and said bonds were issued; and for the benefit of which such contract between the District and the United States was made; except upon such lands as may at any time be included in such district on account of the exchange or substitution of water under the provisions of Section 36 of this act, if any there be; and all such lands shall be subject to a special tax or assessment for the payment of the interest on, and principal of, said bonds; and all amounts to be paid to the United States under any such contract between the district and the United States, and said special tax or assessment, shall constitute a first and prior lien on the land against which levied, to the same extent and with like force and effect as taxes levied for State and county purposes.

Lien of bonds and claims of Federal government.

Lands which shall be free from lien but subject to special taxes for certain purposes.

Tax lien.

Section 7. That Section 9 of Chapter 153, Montana Session Laws, 1917, is hereby amended to read as follows, to-wit:

Law amended.

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Section 9. **Added Lands to Pay Proportional Share of Bonded Indebtedness.**—Where a district is extended after the construction of works of irrigation, including drainage works, to include other irrigable lands, such included lands shall be chargeable with such proportion of the bonded indebtedness incurred or authorized to be incurred by any district, and such proportion of the indebtedness incurred under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States, as in Section 9 provided, as the district court shall order, as provided in Section 24 of this act; and the Board of Commissioners of the district shall provide for the levy of a special tax or assessment against such included lands on account of said bonds and the interest thereon; and on account of any payments under any contracts between the district and the United States, accompanying which bonds of the district have not been deposited with the United States, as in Section 9 provided; and said special tax or assessment shall be levied and collected as and in the manner as the special tax assessment against the lands of the original district on account of the payments under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States, as in Section 9 provided, and on account of which said bonds and the interest thereon is provided for, levied and collected; and upon the extending of any such district, the total of said bond indebtedness, or indebtedness due to the United States, shall be reapportioned, spread and equalized upon and over the entire area thereof as provided in Section 43 of this Chapter."

Lands subsequently added to district to be subject to proportional charge.

Taxes against added lands.

Special tax levied and collected, how.

Reapportioning and spreading indebtedness when additional lands have been included.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

CHAPTER 117.

"An Act to Amend Section 3, 4, 5, 6, 9, 10, 11, 12, 13 and 15 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, the Same Being an Act Entitled, 'An Act to Establish a Board of Examiners for Nurses; Providing That the Governor

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May Issue a License or Certificate of Registration to Persons Engaged in the Profession of Nursing the Sick, and Fixing Penalties for Any Violation of This Act,' and to Repeal Section 8 of Said Chapter 50."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3 of law amended.

Section 1. That Section 3 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Vacancies in State Board of Examiners for Nurses to be filled and Board perpetuated.

"Section 3. Subsequent to the organization of State Board of Examiners for Nurses, the Governor of the State of Montana shall fill all vacancies and shall perpetuate said Board by appointment of members thereof, which members for appointment shall be selected from persons who are registered nurses under the provisions of this Act, and who shall be a member of the Montana State Association of Graduate Nurses, and who shall be actual residents of the State of Montana for a period of at least one year immediately preceding the date of appointment and who have actively engaged in the profession of nursing for five years prior to such appointment, and there shall be at all times at least two members of said Board who shall have had at least two years' experience in educational work among nurses, or who have had two or more years' experience in the instruction of nurses in training schools.

Members to be selected from among whom.

Qualifications of members.

Term of office.

The terms for which said members shall be appointed shall be for three years, except those first appointed and those to fill unexpired terms."

Section 4 of law amended.

Section 2. That Section 4 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Organization of Board.

"Section 4. The members of the Board shall immediately after their appointment meet at the City of Helena for the purpose of organizing said Board, and shall elect one of their number President, and shall elect one of their number as Treasurer, and shall also elect a Secretary, who shall not be a member of the Board, who shall also act as inspector of the Training Schools for Nurses, and perform such other services as may be required by the Board, and who shall devote her entire time to such work. The Board shall adopt a seal which shall remain in the custody of the Secretary; the Secretary shall keep the records and minutes of the meeting of the Board, and shall record in a suitable book the names of all the nurses and training schools registered under this Act. The President and Secretary of said Board shall hold office for the

Officers.

Seal.

Duties of secretary.

Term of office of president and secretary.

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period of one year, and until their successors are appointed and qualified. The salary of the Secretary shall be settled and fixed by the Board, not exceeding, however, the sum of Twenty-Four Hundred Dollars ($2,400.00), per year. The other members of the Board shall receive ten ($10.00) dollars per day while actually engaged in attendance upon meeting of said Board, and Ten ($10.00) Dollars per day for actual time lost in traveling to and from Board meetings, and necessary expenses incurred in attending such meetings.

Salary of secretary.

Compensation of members.

This shall be in full for their expenses, same to be paid from the funds in the hands of the Treasurer of the Board."

Section 3. That Section 5 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Section 5 of law amended.

"Section 5. Said Board shall provide a schedule of subjects upon which applicants shall be examined to qualify for registration under this Act, which subjects shall include anatomy, physiology, obstetrics and gynecology, surgery, hygiene and bacteriology, materia-medica, medical and contagious diseases, pediatrics, dietetics and nursing ethics."

Subjects for examination.

Section 4. That Section 6 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Section 6 of law amended.

"Section 6. The Inspector of training schools shall inspect all training schools for nurses in the State of Montana, and shall report to the Board and the Governor such training schools as shall provide courses of instruction in the subjects required by the Board. The Board shall register for a period of one year, all such training schools and shall issue a certificate of registration thereto. Any school so registered shall be required to pay to the Treasurer of the Board, a fee of Twenty-Five Dollars, ($25.00), upon registration. The fee for a renewal certificate of registration for the period of one year shall be Five ($5.00) Dollars. The Secretary shall also enter in the register kept for such purposes, the names of all nurses who are registered under the provisions of this Act, and such register shall be a public record."

Duty of inspector of training schools.

Registration of training schools.

Fee for registration.

Renewal fee.

Registration of names of nurses.

Section 5. That Section 9 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Section 9 of law amended.

"Section 9. All applicants for registration under the provisions of this Act shall furnish satisfactory evidence

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Evidence of qualifications of applicants for examination.

that he, or she, is at least twenty-two years of age, of good moral character, and has been graduated from a training school of nurses connected with a general hospital approved by the Board, where a systematic course of at least three years' instruction is given, except in the cases hereinafter provided for; provided that the Board may grant proper credit upon such three-year period to any student for previous training and study, under such rules and regulations as the Board may prescribe. No training school for nurses shall accept students under nineteen (19) years of age, except high school graduates of at least eighteen (18) years of age. A high school student completing such three-year course of instruction may be granted a temporary certificate by the Board until such person shall arrive at the age of twenty-two (22) years; and all persons registered under the provisions of this Act shall pay to the Secretary of said Board, a registration fee of Ten ($10.00) Dollars."

Credits may be given, when.

High school students.

Registration fee of nurses.

Section 10 of law amended.

Section 6. That Section ten of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Graduates of training schools entitled to registration, when.

"Section 10. Any person who shall have graduated prior to July 1st, 1917, and after January 1st, 1890, from a reputable training school for nurses connected with a general hospital which then gave a course of at least two years' training, and who shall have graduated therefrom, shall be entitled to registration under the provisions of this Act.

Registration of persons qualified in other states.

The Governor shall issue a certificate of registration to any person registered under the laws of any other State having requirements for registration equivalent to those of Montana, the Board to be the sole judge thereof."

Section 11 of law amended.

Section 7. That Section 11 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly as amended by Chapter 122 of the Session Laws of the Fifteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Appeals to Montana State Association of Graduated Nurses.

"Section 11. Any person who makes application to the Board for examinations for registration, having the required qualifications, as hereinafter provided for, and who shall not pass said examination, or any person registered in any other State, who shall be refused registration by the Board without examination, as provided for in this Act, may appeal to the Montana State Association of Graduated Nurses at the first annual meeting thereafter, and shall abide by the majority vote of said Association after a full hearing thereon.

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Provided that any person aggrieved by any decision of the Board of Graduated Nurses, finally determining his or her right to registration, may appeal from such decision to the District Court of the County of the residence of said applicant within thirty days after receiving notice from the Board of its decision, which appeal shall be taken by filing notice of appeal with the Clerk of the proper District Court and by serving copy thereof upon the Secretary of said Board. In case of a jury trial, said jury shall consist of three nurses registered under the provisions of this Act, and three reputable physicians in active practice."

Appeals to district court.

How perfected.

Jury trial.

Section 8. That Section 12 of Chapter 50 of the Session Laws of the Thirteenth Leislative Assembly be, and the same is hereby amended to read as follows:

Section 12 of law amended.

"Section 12. On and after July 1st, 1917, all applicants for certificates of registration under the provisions of this Act, shall be residents of the State of Montana, and shall pass the examination required by the Board before receiving a certificate of registration, or shall present to the Board necessary credentials of registration, in another State whose requirements for registration are equivalent to those of Montana."

Examination of applicants after July 1, 1917.

Section 9. That Section 13 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Section 13 of law amended.

"Section 13. It shall be unlawful hereafter, for any person to practice nursing as a trained, graduate, or registered nurse, without a certificate as herein provided for.

Practicing without certificate unlawful.

Any person who shall assume a title indicating that said person is a trained graduate or registered nurse, or who shall hold himself, or herself, out to be a trained graduate or registered nurse, and who shall not be registered in accordance with the provisions of this Act, shall be guilty of a misdemeanor and upon conviction hereof, shall be fined for the first offense, not less than Ten ($10.00) Dollars, nor more than One Hundred ($100.00) Dollars, and for each subsequent offense, not less than Two Hundred ($200.00) Dollars, nor more than Five Hundred Dollars ($500.00).

Penalty for practicing or assuming to practice without right.

This Act shall not be construed as conferring any authority to practice medicine, or undertake the treatment of disease, in violation of the Medical Practice Act of the State of Montana, or to affect or to apply to the gratuitous nursing of the sick by friends or members of the family, nor to any person nursing the sick for hire who does not in any way assume or pretend to have

Construction of Act.

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Section 15 of law amended.

special training in the profession of nursing, and who also does not pretend to be a registered nurse."

Section 10. That Section 15 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Revocation of certificates.

"Section 15. The Governor shall, upon recommendation by the Board, revoke any certificate previously issued to the holder thereof, after a hearing by the full board on charges made by any licensed physician in the active practice of his profession, or upon charges made by the Inspector of Training Schools for Nurses, a registered nurse or any other person charging dishonesty, gross incompetence, a habit rendering a nurse unsafe or unfit to care for the sick, or any conduct or act derogatory to the morals or standing of the profession of nursing, or any willful fraud or misrepresentation practiced in securing such certificate.

Notice to person charged under this section.

The person so charged under this Section shall be given at least thirty days' notice in writing of the specific charge against him or her, and of the time and place of hearing said charge by the Board, at which time and place such person shall be entitled to appear and to be represented by counsel. Upon the revocation of any certificate heretofore issued, the same shall be null and void, and the Secretary shall take the name of the holder thereof from the roll of registered nurses."

Effect of revoking certificate.

Repealing clause.

Section 11. That Section 8 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 118.

"An Act to Amend Section 4058 of the Revised Codes of Montana of 1907, Relating to Annual Statements of Fire Insurance Companies."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 4058, Revised Codes, amended.

Section 1. That Section 4058 of the Revised Codes of 1907 of the State of Montana relating to Annual Statements of Fire Insurance Companies be amended to read as follows:

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Annual statement of corporations to be prepared.

Section 4058: Annual Statement—It shall be the duty of the president or of the vice-president and secretary of each corporation organized under this chapter or incorporated under any laws of this state, or doing business in this state, annually, on the first day of January of each year, or within sixty days thereafter, to prepare under oath and deposit in the office of the State Auditor, a full, true and complete statement of the condition of such company on the 31st day of December preceding the filing of such statement, which statement shall exhibit the following items and facts in the following forms, viz:

1. The amount of capital stock of the corporation.
2. The names of the officers.
3. The name of the corporation and where located.
4. The amount of capital paid up.

Statement shall include.

5. The property or assets held by the corporation, specifying the value, as near as may be, of the real estate owned by such corporation and the amount of cash on hand deposited in banks to the credit of the corporation, and in what banks the same is deposited, the amount of moneys, stocks or bonds deposited in any foreign country, State or Territory of the United States for the special benefit of the assured therein; the amount of cash in the hands of agents and in the course of transmission; the amount of loans secured by first mortgages on real estate, with the rate of interest thereon, specifying the location of such real estate and its assessed valuation; the amount of all other bonds and loans, and how secured, with the rate of interest thereon, the amount due the corporation on which judgment has been obtained; the amount of stocks of this State, of the United States, of any incorporated city of this State, and of any stock owned by the corporation, specifying the amounts, number of shares, and par and market value of each kind of stock; the amount of stock held by such corporation as collateral security for loans, with amount loaned on each kind of stock, and premium notes paid and unpaid; the amount of interest actually due and unpaid; and all other securities and their value; the amount for which premiums notes have been given on which policies have been issued.

6. The liabilities of such corporations, specifying the losses adjusted and due; losses adjusted and not due; losses unadjusted; losses in suspense and the cause thereof; losses resisted in litigation; dividends either in scrip or cash, specifying the amount of each declared, but not

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due; dividends declared and due; the amount required to reinsure all outstanding risks on the basis of fifty per cent of the premium on unexpired risks under one year, and pro rata, on all unexpired risks having more than one year to run; the amount due banks or other creditors; the amount of money borrowed, and the security therefor; all other claims against the corporation. In case of Mutual Fire Insurance Companies organized under the laws of the State of Montana with a policy holder's contingent liability or deposit note or notes as provided in its by-laws and its policies, to determine the amount of reinsurance reserve the commissioner shall take twenty-five per cent (25%) of the aggregate premiums on policies running one year or less from date of policy and fifty per cent (50%) of the pro rata amount on policies running more than one year from the date of policy. A policy for a term of years on which the premium is payable annually shall be considered a policy for one year.

7. The income of the corporation during the previous year specifying the amount received for premiums exclusive premium notes, the amount of premium notes received; the amount reecived for interest; the amount received for assessments, calls on stocks or notes, or premium notes; the amount received from all other sources.

8. The expenditures during the preceding year, specifying the amount of losses paid during said term, stating how much of the same accured prior, and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement; the amount paid for dividends; the amount paid commissions; salaries, expenses and other charges of agents, clerks and other employes; the amount paid for salaries, fees and other charges of office and directors; the amount paid for local, State, national and other taxes and duties, the amount paid for all other expenses, expenditures, including printing, stationery, rents, furniture, etc.

9. The largest amount insured in any one risk.

10. The amount of risks written during the year then ending.

11. The amount of risks in force having less than one year to run.

12. The amount of risks in force having more than one and not over three years to run.

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13. The amount of risks having more than three years to run.

14. The following question must be answered, viz: "Are dividends declared on premiums received for risk not terminated?"

Failure to comply with section.

The State Auditor must withhold or withdraw the certificate of authority from any such corporation neglecting or failing to comply with the provisions of this section. (Act approved March 4, 1907.) (10th Sess. Chap. 72.)

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 119.

"An Act to Enable Corporations Which Have Ceased to Do Business, and Which Have No Assets to Effect a Voluntary Dissolution."

Be it enacted by the Legislative Assembly of the State of Montana:

Voluntary dissolution of corporations.

Section 1. Any corporation organized under the laws of this State, which have ceased to transact business, and which has no assets, may be dissolved upon a compliance with the provisions of this Act.

Directors shall file certified copy of what in district court.

Section 2. A majority of the Directors of such Corporation, or, in the event some of the Directors are dead, a majority of those living, shall file in the office of the Clerk of the District Court of the County in which the principal office of such Corporation is located, a certified copy thereof in the office of the Secretary of State, and a statement, verified by their oaths, setting forth:

Statement shall contain, what.

1. That said corporation has ceased to transast business.

2. That said corporation has no assets.

3. That said corporation has no intention of ever again resuming operations.

Effect of filing statement.

Section 3. Then upon the filing of such certified copy of such statement in the office of the Secretary of State, such corporation shall thereupon become dissolved, and thereafter the Directors shall be relieved from any further liability in connection with such corporation.

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Foreign corporations, effect of filing statement.

Section 4. Such a statement filed with reference to a foreign corporation, whose principal property and operations were in Montana, shall also relieve the Directors from any further liability under the laws of this State, as relating to said corporation.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 120.

"An Act Prescribing the Annual Salaries of the Register of State Lands, State Land Agent and Deputy Register of State Lands of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana.

Salary of Register of State Lands.

Salary of State Land Agent.

Salary of Deputy Register of State Lands.

Section 1. The annual salary allowed to the Register of State Lands shall be Thirty-Six Hundred Dollars ($3,600.00), payable monthly. The annual salary allowed to the State Land Agent shall be Thirty-Two Hundred and Fifty Dollars ($3,250.00), payable monthly. The annual salary allowed to the Deputy Register of State Lands shall be Twenty-four Hundred Dollars ($2,400.00), payable monthly.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 121.

"An Act Relating to Stock Subscription Notes, Providing the Manner in Which the Same Shall Be Made, Providing Penalties for Violation of Such Act, and Providing That Certain Defenses May Be Interposed in Actions Instituted Thereon by the Holders Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Stock subscription notes, how made.

Section 1. Every promissory note given in payment, or in part payment of, or as evidence of a promise to pay for any shares of stock in any corporation subscribed

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for by the maker of such note shall be made payable to the corporation issuing the stock so subscribed for, or to the officer or agent of such corporation through whom such stock is to be delivered to the maker of such note, and shall have written or printed across the face thereof the following words:

Words which must be written or printed on notes.

Subscription Note for.....Shares of
(State number)
the Capitol Stock of.....'' and
(State name of corporation)

every corporation, or officer or agent thereof, accepting or receiving any such note made payable to any person other than the corporation issuing such stock, or to the officer or agent of such corporation through whom such stock is to be delivered to the maker of the note, or accepting or receiving any such note without such words being written or printed across the face thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Penalty for accepting or receiving notes without such words.

Section 2. If any such stock subscription note shall be assigned or transferred by the payee named therein to any person, association or corporation the maker thereof, in any action instituted to collect the same, or any part thereof, shall have the right to interpose any and all defenses which such maker might have interposed if such action had been instituted by the payee named therein.

Defenses available to maker of note.

Section 3. All Acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after March 31st, 1919.

Approved March 5, 1919.

CHAPTER 122.

''An Act to Amend Section 3, of Chapter 148 of the Laws of the Twelfth Legislative Assembly, Entitled, 'An Act to Create and Establish the Office of State Fire Marshal, to Provide for His Appointment, Fixing His Salary

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and Defining His Duties and Defining the Duties and Powers of Certain Other Officials in Relations Thereto.' ".

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 3 of Chapter 148 of the Laws of the Twelfth Legislative Assembly be, and the same is hereby amended so as to read as follows:

Salary of State Fire Marshal.

"Section 3. The salary of the State Fire Marshal shall be Twenty-four Hundred Dollars ($2,400.00) per annum, payable monthly, from the State Fire Marshal Fund."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 123.

"An Act Naming the Salaries of the Secretary of State, State Auditor, State Treasurer, Clerk of the Supreme Court and the State Superintendent of Public Instruction, and Repealing Sections 168, 175, 186 and 304 of the Revised Codes of the State of Montana of 1907, and Section 203, Chapter 76 of the Laws of 1913."

Be it enacted by the Legislative Assembly of the State of Montana:

Salaries of elective officers of state increased.

Section 1. That the annual salaries of the Secretary of State shall be four thousand two hundred dollars, and the salary of the State Treasurer shall be four thousand two hundred dollars, and the Clerk of the Supreme Court shall be three thousand dollars, and the salary of the State Auditor shall be three thousand six hundred dollars, and the salary of the Superintendent of Public Instruction shall be thirty-six hundred dollars, to include all services rendered ex-officio as a member of any Board or Committee as now required or which may hereafter by law devolve upon them.

Laws repealed.

Section 2. Sections 168, 175, 186 and 304 of the Revised Codes of the State of Montana of 1907, and Section 203, Chapter 76, Laws of 1913 are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5, 1919.

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CHAPTER 124.

"An Act to Amend Section 1596 of the Revised Codes of the State of Montana of 1907 Relating to the Practice of Osteopathy and Providing Educational Requirements."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1596 of the Revised Codes of the State of Montana of 1907, be and the same is hereby amended to read as follows:

Section 1596, Revised Codes, amended.

"Section 1596. Unlawful to Practice Without a Certificate. It shall be unlawful for any person to practice osteopathy in this state without a license from said Board; provided, that all persons practicing osteopathy within this state prior to the passage of this Act and holding a diploma from a legally authorized school of osteopathy of good repute as such and wherein the course of study comprises twenty months or four terms of five months each may be licensed to practice osteopathy in the State by submitting to said Board of Osteopathic Examiners such diploma and satisfying such Board that they are legal holders thereof, or by undergoing an individual examination as hereinafter provided at a regular meeting of said Board for examination. The fee for such license shall be twenty dollars payable to the Secretary of said Board of Examiners when application is made for certificates; provided that in case of failure of any applicant to pass a satisfactory examination, he will be entitled to a second examination without charge at the next succeeding meeting of the Board; provided, that all graduates of a reputable school of osteopathy who present themselves for examination, and a license, and who have graduated later than April, 1907, shall present satisfactory evidence to the Board of having actually attended such a school for a period of not less than three school years of nine months each: provided, that all graduates of reputable schools of osteopathy who present themselves for examination and who have graduated later than January, 1919, shall present satisfactory evidence to the Board of having actually attended such a school for a period of not less than four (4) school years of eight months each, which was preceded by a four years' high school course or its scholastic equivalent.

Unlawful to practice osteopathy without a license.

Persons already holding diplomas may be licensed, when.

Fee for license.

Second examination without charge.

Evidence of school attendance required, when.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 125.

"An Act to Amend Section 3906 and 7328 of the Revised Codes of the State of Montana, Relating to the Dissolution of Corporations."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section 3906, Revised Codes.

Section 1. That Section 3906 of the Revised Codes of the State of Montana be amended so as to read as follows:

Directors of dissolved corporation to be trustees of creditors and stockholders, when.

Powers and authority.

"Section 3906. Unless other persons are appointed by the Court the directors of any corporation at the time of its dissolution by expiration of its charter or otherwise, are trustees of the creditors and stockholders or members of such corporation and have full power to settle and liquidate its affairs, and such trustees, or a majority thereof, or in case of the death of one or more of such trustees, a majority of such survivors, are authorized to execute grants and conveyances of both real and personal property of such dissolved corporation. Every such grant or conveyance shall be prima facie evidence of the truth of all matters and facts recited or stated therein.

Grants and conveyances prima facie evidence of what.

Record of names of trustees of corporation dissolved by expiration of time limited by charter.

Where a corporation is dissolved by the expiration of the time limited by its charter, the President, or Vice President, and the Secretary of the Corporation in office at the date of its dissolution, may at any time thereafter make out under oath a statement giving the names of the directors of the Company at time of such dissolution, which statement shall be entitled to record in the office of the County Clerk and Recorder of any County of the State of Montana, and the directors therein named shall be, prima facie, the trustees of such dissolved corporation."

Amending section 7328, Revised Codes.

Section 2. That Section 7328 of the Revised Codes of the State of Montana be amended so as to read as follows:

Voluntary dissolution of corporations.

"Section 7328. After the time of publication has expired, the court or judge may, upon five days' notice to the persons who have filed objections, or without further notice, if no objections have been filed, proceed to

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hear and determine the application, and if all the statements made therein are shown to be true, must by judgment declare the corporation dissolved. The Court or judge, in such action, shall ascertain the names of the directors of said corporation then in office, and shall incorporate such names in the judgment of dissolution, and the persons so named shall be the trustees of the creditors and stockholders or members of such dissolved corporation. If in any judgment of dissolution heretofore entered, the court declared who were the trustees, such declaration is conclusive evidence thereof."

Hearing of application and decree.

Trustees to be appointed by the court.

Prior judgment of dissolution.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 126.

"An Act Authorizing the Appointment of an Assistant State Fire Marshal, and Providing the Salary Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Auditor is hereby authorized and empowered to appoint an Assistant State Fire Marshal, at a salary of twentyone hundred dollars ($2,100) per year, payable monthly.

Assistant Fire Marshal, appointment of.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 127.

"An Act to Amend Section 5, Chapter 36, of the Session Laws of the Thirteenth Legislative Assembly Relative to the Salary of the Commissioner of Agriculture and Publicity.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That Section 5 of Chapter 56 of the Session Laws of the Thirteenth Legislative Assembly be amended to read as follows:

Law amended.

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Salary of Commissioner of Agriculture and Publicity.

Section 5. The salary of the Commissioner of Agriculture and Publicity is hereby fixed at the sum of three thousand ($3,000.00) dollars per annum payable monthly.

Section 2. This Act shall take effect and be in full force from and after March 1, 1919.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Approved March 5, 1919.

CHAPTER 128.

"An Act to Distribute Monies Held in Fund Known as H. L. Hart, Trustee, Langhorne House Account; Also Monies Held in Board of Stock Commissioners old Account."

Be it enacted by the Legislative Assembly of the State of Montana.

Disposition of moneys in certain old stock commissioners' account.

Section 1. All monies held in the National Bank of Montana at Helena, Montana, in the account known as "Board of Stock Commissioners Old Account," and all monies held in the American National Bank of Montana, at Helena, Montana, in the account, known as the "Board of Stock Commissioners Old Account," or in any other "Depository," shall upon demand of the State Bank Examiner, be deposited in the State Treasurer's Office, and by him, credited to the account, known as "H. L. Hart, Trustee-Langhorne House Account."

To be credited to what account.

Disbursement of the "H. L. Hart Trustee-Langhorne Account."

Section 2. All monies held by the State Treasurer in the fund, known as "H. L. Hart, Trustee-Langhorne House Account," shall be distributed pro rata to claimants designated as having true claims against said fund.

Duty of president of State Live Stock Commission to make investigation.

Section 3. The President of the State Live Stock Commission shall investigate claims as enumerated in the reports of "The Joint Committee of the Twelfth Legislative Assembly to investigate the affairs of the Board of Stock Commissioners of the State of Montana" and all other claims and reports filed subsequent and pertaining thereto, and shall designate the claims that are true and payable.

Certification and approval of claims.

Section 4. All claims designated as true and payable, shall be certified to the State Board of Examiners by the President of the State Live Stock Commission in such pro rata amounts, as will extinguish the fund, known as "H. L. Hart, Trustee-Langhorne House Account," and

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warrants shall be drawn against said account in the same manner as is provided by statute for the drawing of warrants against the State of Montana. Payment.

Section 5. All Acts and parts of Acts in conflict with this Act, are hereby repealed.

Section 6. This Act shall be in full force and effect on and after May tenth, nineteen hundred nineteen. Act takes effect, when.

Approved March 5, 1919.

CHAPTER 129.

An Act Providing for the Selection of Jurors for the Current Year in Counties Created After the Jury Commission or Commissions of the County or Counties From Which Said New County or Counties May Have Been Created, and Providing for the Removal of Names From the Jury List of the County or Counties From Which Such New County or Counties May Be Created.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever a new county has been or may hereafter be created out of territory formerly embraced in any existing county or counties of the State, the jury list for such new county for the current year and until the regular jury commission for such new county shall certify for the succeeding year the new jury list in accordance with the provisions of Article III of Chapter I, Part I of the Code of Civil Procedure of the Revised Codes for the State of Montana for 1907, shall be as follows: Jury list for first year in new counties.

Section 2. The Clerk of Court of the county from which said new county may be segregated, or in the event of such new county being segregated from two or more counties, the Clerks of Court of each of such counties, shall take the names of such persons as appear upon the jury list for such year which may have been certified to him or to them by the jury commission or commissions of his or their respective county or counties to be residents of the territory embraced in such new county, and shall certify the same to the Clerk of Court of the new county. Such names shall then constitute the jury list for such new county for the period as aforesaid. Duty of clerks of court in the old county to certify to clerk of new county. Names to constitute jury list in new county.

Section 3. Such new list shall be made and certified by such clerk or clerks of the existing county or counties as soon after the creation of such new county as may be When certificate of names to be made.

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practicable, and in any event within five days after request therefor shall be made by the Clerk of the District Court of the new county.

Names which shall be removed from jury box in old county.

Section 4. The clerk or clerks of the district court of the county or counties from which such new county has been or may hereafter be created shall, after the creation of such new county, remove from the list or jurors and jury boxes of his or their county or counties the names of all persons upon the list which may have been filed with him or them by the jury commission who may appear to him or them to be residents of the new county and so certified by him as aforesaid.

Duty of clerk of court in new county regarding jury lists.

Section 5. The Clerk of Court of the new county shall then file and prepare his jury list and boxes in accordance with the general law pertaining to the duties of Clerks of Court with relation to jury lists and boxes.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 130.

"An Act to Amend Section 531 of the Revised Codes of Montana, Relating to the Publication of Notices of Questions to Be Submitted to a Vote of the People."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 531, Revised Codes, amended.

Section 1. That Section 531 of the Revised Codes of the State of Montana of 1907, be and the same is hereby amended to read as follows:

Question of Constitutional adoption or change to be certified to whom.

"Section 531. Whenever a proposed Constitution, or Constitutional amendment, or other question, is submitted to the people of the state for popular vote, the Secretary of State must duly, and not less than thirty days before the election, certify the same to the Clerk of each county in the State, and the Clerk of each county must cause to be published in one newspaper in the county a copy of the proposed question to be submitted to the people of the state, once a week for three successive weeks, one of such publications in each of said newspapers must be made upon the last day upon which such newspaper is issued before election.

Publication of questions in newspaper.

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Questions to be submitted to the people of the county or municipality, must be advertised by publication in at least one newspaper within the county or municipality once a week for two successive weeks, and one of such publications in such newspaper, must be upon the last day upon which such newspaper is issued before the election."

Publication of questions submitted to electors of county or municipality.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 131.

"An Act to Amend Section 3, of Chapter 148 of the Laws of the Twelfth Legislative Assembly, Entitled 'An Act to Create and Establish the Office of State Fire Marshal, to Provide for His Appointment, Fixing His Salary and Defining His Duties; and Defining the Duties and Powers of Certain Other Officials in Relation Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 148 of the Laws of the Twelfth Legislative Assembly be, and the same is hereby amended to read as follows:

Law amended.

"Section 3. The salary of the State Fire Marshal shall be Twenty-four Hundred dollars ($2,400.00) per annum, payable monthly, from the State Fire Marshal Fund."

Salary of State Fire Marshal.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 132.

"An Act to Amend Sections 20 and 22 of Chapter 157 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Entitled: 'An Act to Provide for the Appointment of the Members of the Live Stock Sanitary Board and Prescribing Their Powers and

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Duties; to Provide for the Appointment of Deputy State Veterinary Surgeons, Inspectors, Specialists, and Other Agents of the Board, and Prescribing Their Powers and Duties; to Provide Regulations and Methods for the Eradication or Prevention of Diseases in Domestic or Other Animals, Their Quarantine, Inspection and Treatment; to Provide for the Destruction of Animals Diseased or Exposed to Disease, Together With the Destruction of Other Property and Compensation Therefor; to Regulate Public Buck Herds; to Provide for Tuberculin Testing of Dairy Cattle and Other Regulations for the Protection of Domestic Animals and Live Stock;' to Prescribe Penalties for the Violation of This Act and to Repeal Sections 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902 and 1903 of the Revised Codes of Montana, 1907; Chapter 146 of the Session Laws of 1911, Chapters 68, 90 and 123 of the Session Laws of 1913; and Chapters 9 and 140 of the Session Laws of 1915."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 20 of law amended.

Section 1. That Section 20 of Chapter 157 of the Session Laws of the 15th Legislative Assembly be and the same is amended to read as follows:

Telegraphic notice of shipment of sheep into state.

"Section 20. Within five (5) days previous to the arrival of any sheep in this state from any other state or territory, the owner of the sheep, or his agent, must report by telegraphic dispatch to the State Veterinary Surgeon, at Helena, Montana, stating from what country, state or territory the sheep are shipped or being driven from, the number thereof, and the place where they will first enter the state, and where it is intended to unload them, and the location of the land owned by the owner of said sheep or leased by the owner of said sheep from its corporate or private owner or the State of Montana, or the range to which the owner of said sheep holds a permit for from the Forestry Department of the United States, or the land to which the owner of said sheep has the consent from its corporate or private owner to occupy, upon which it is intended to feed or graze said sheep during the first ninety (90) days after their arrival at their final destination; or the notice may be given by registered mail, if mailed in time so that in the ordinary course of mails it will reach the State Veterinary Surgeon's office

Facts to appear in notice.

Notice by registered mail, when.

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five (5) days before the sheep would reach the State, and the State Veterinary Surgeon shall, immediately on receipt of such notice, notify an authorized agent of the Sanitary Board, and it shall be the duty of the agent to immediately inspect the sheep, and to make such order or orders for their quarantine, treatment and dipping as may be necessary."

Duty of State Veterinary Surgeon.

Section 2. That Section 22 of Chapter 157 of the Session Laws of the Fifteenth Legislative Assembly be and the same is amended so as to read as follows:

Section 22 of law amended.

"Section 22. Any sheep that are shipped or driven into this State, with the intention on the part of the owner of holding them within the state longer than is necessary to feed them in transit, which feeding must be done in the railroad stockyards, corrals, or buildings, must be at once quarantined and dipped under the supervision of the State Veterinary Surgeon, Deputy, or authorized agent, without danger of scattering infection, and when so dipped shall be branded with a red letter "S" on the right side. After the sheep are so dipped, and branded, they may be moved to the ranch or land owned by the owner of said sheep, or leased by the owner of said sheep from its corporate or private owner, or the State of Montana, or to the range to which the owner of said sheep holds a permit for from the Forestry Department of the Government of the United States, or to which the owner of said sheep has the consent to occupy from its corporate or private owner, where it is the intention of the owner to keep them, providing they can be moved to such location within ten days, when they must be dipped a second time; Provided, that any sheep that are shipped into the State of Montana over any railroad with the intention on the part of the owner of holding them within the state longer than is necessary to feed them in transit (which feeding must be done as hereinbefore provided) may be accompanied by a certificate of an official graduate veterinarian setting forth that the sheep are clean, are free from scab or other contagious or infectious disease; that they come from a locality which is free from scab or other contagious or infectious diseases; and that the cars in which they were shipped were properly disinfected and were free from infection. Sheep accompanied by a certificate of any official graduate veterinarian shall be inspected at the first unloading point in this state, under the direction of the State Veterinary Surgeon, and when accompanied by such certificate and so inspected and found free from

Sheep temporarily in state must be dipped, when and how.

How branded.

When to be dipped the second time.

Sheep accompanied by certificate of graduate veterinarian need not be dipped.

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scab or other infectious or contagious disease, the animal need not be dipped as hereinbefore provided, but shall be branded with a red letter "S" on the right side, and a permit shall be issued to the owner of said sheep permitting said sheep to be trailed over the route designated in said permit by the State Veterinary Surgeon to the land the location of which was set out in the notice of the owner of said sheep to the State Veterinary Surgeon and the sheep shall then be trailed over said route so designated from their final unloading point under the direction of the State Veterinary Surgeon to said lands, which said lands must be owned by the owner of said sheep or leased by the owner of said sheep from its corporate or private owner, or the State of Montana, or be the range to which the owner of said sheep holds a permit for from the Forestry Department of the Government of the United States, or land to which the owner of said sheep has the consent from the corporate or private owner to occupy, and thereupon quarantined for a period of not less than ninety days, and as much longer as is necessary at the discretion of the State Veterinary Surgeon, Provided; That Sheep so shipped into the State shall not be trailed through the State for any distance exceeding fifty miles from the point of unloading at which such trailing begins, without being quarantined and dipped as herein first provided. And Provided Further, that sheep that have been unloaded in transit into yards which have not been disinfected since holding other sheep outside the State of Montana shall not be deemed clean or free from scabies or other infectious or contagious disease, and shall be quarantined and dipped as herein first provided. And provided further, that sheep driven into this state (which sheep shall be animals that are habitually grazed in this state, or an adjoining state, and not otherwise) may be accompanied by the certificate of an official graduate veterinarian, as before provided, shall be inspected at the State line under the direction of the State Veterinary Surgeon of Montana, and before driving such sheep in this state the owner or person in charge shall procure from the State Veterinary Surgeon or an authorized agent, permit to drive the sheep over a certain route, designated in said permit, to their destination; which destination shall not exceed seventy-five miles from the State line. If the sheep are accompanied by such certificate, and upon inspection are found free from scab or other contagious or infectious disease, they need not be dipped, but shall be branded with a

Shall be branded.

Permit to trail sheep.

Sheep to be quarantined upon range of owner.

Limit of distance sheep may be trailed without dipping, etc.

Sheep in transit to be dipped, when.

Sheep driven into state; requirements.

Dipping dispensed with but branding required, when.

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red letter "S" on the right side, and shall be then trailed under the direction of the State Veterinary Surgeon, from the State Line over the route designated in said permit to the land the location of which was set out in the notice of the owner of said sheep to the State Veterinary Surgeon, which said land shall be owned by the owner of said sheep, or leased by the owner of said sheep from its corporate or private owner, or the State of Montana, or be the range to which the owner of said sheep holds a permit for from the Forestry Department of the Government of the United States, or lands to which the owner of said sheep has the consent from its corporate or private owner to occupy, and said sheep shall then be quarantined upon said lands for a period of not less than ninety days and as much longer as is necessary in the judgment of the State Veterinary Surgeon; otherwise and in either instance, they shall be quarantined and dipped as herein first provided. And provided, further, that the State Veterinary Surgeon may, if in his judgment the circumstances of any particular case warrant such action on his part, order any sheep shipped or driven into the State to be quarantined and dipped as herein first provided. Provided, further, that all rams entering the State of Montana from other states must be dipped twice at an interval of not exceeding fourteen days according to the regulations of the Sanitary Board at or as near the point of entry as is practical, and after the second dipping such rams must be quarantined for a period of not less than ninety days and until inspected and released by a representative of the Sanitary Board, but may be used for service in which case all ewes must be likewise quarantined for a period of not less than ninety days, and until inspected and released by a representative of the Sanitary Board on land owned by the owner of said sheep, or leased by the State of Montana, or upon range to which the owner of said sheep holds a permit for from the Forestry Department of the Government of the United States, or upon lands to which the owner of said sheep has the consent from its corporate or private owner to occupy. Provided, further, that where pure-bred rams are shipped into the State in crates by express said rams need not be dipped provided said rams are quarantined for a period of not less than ninety (90) days and are not used or removed to other bands of sheep until the ninety day quarantine has expired and the ram or rams have been inspected and found free from disease and released by a representative of the Montana Livestock Sanitary Board

Sheep to be trailed to land belonging to or under control of owner

To be quarantined and dipped at discretion of State Veterinarian.

Rams entering state must be dipped twice.

Rams and ewes must be quarantined upon range of owner, when.

Rams shipped into state by express need not be dipped, when.

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after the expiration of said period, otherwise said rams shall be dipped and quarantined as hereinbefore provided.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 133.

"An Act to Provide for the Establishment of Part-Time Schools and Classes and to Compel Attendance of Minors Less than Eighteen Years of Age Upon Such Schools and Classes."

Be it enacted by the Legislative Assembly of the State of Montana:

Part-time schools for minors in first-class school districts.

Section 1. Any school district of the first class, or county high school located, in a district of the first class, in which there shall reside or be employed, or both, not fewer than fifteen children over fourteen years of age and less than eighteen years of age, who have entered upon employment, shall establish part-time schools or classes for such employed children.

School to be established for whom and for what purpose.

Section 2. A part-time school or class established in accordance with the terms of this Act shall provide an education for children who have entered employment, which shall be either supplemental to the work in which they are engaged, continue their general education, or promote their civic or vocational intelligence.

Children who shall attend school until 18 years of age.

Section 3. All children of first class districts of the State shall attend school until the age of eighteen, unless they are excused from school to enter employment, in accordance with Section 1100 1101 and 1102 of Chapter 11 of the School Laws of Montana, or unless they shall have completed a high school course.

When and how a district may be excused from establishing a part-time school.

Section 4. Whenever any district or county high school board shall deem it inexpedient to organize part-time schools or classes for employed minors, it shall state the reasons for such inexpediency in a petition to the State Board of Education, and when the State Board of Education shall judge such reasons as valid, the district or county high school board shall be excused from the establishment of such part-time schools or classes.

Time during which part-time school shall be in session.

Section 5. Part-time schools or classes established in accordance with the provisions of this Act shall be in

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session not less than four hours a week between the hours of eight A. M. and six P. M. during the weeks which other public schools are maintained in the district or county establishing such part-time schools or classes.

State Board of Education shall adopt rules governing schools.

Section 6. The State Board of Education shall establish rules and regulations governing the organization and administration of part-time schools and classes, and shall expend from funds appropriated for the promotion of vocational education such sums of money as are necessary for the proper enforcement of this Act.

What money to be used.

Part of the hours of labor established by law to be school hours.

Section 7. Whenever the number of hours for which a child over fourteen years and less than eighteen years of age may be employed shall be fixed by the Federal or State law, the hours of attendance upon a part-time school or class organized in accordance with the terms of this Act shall be counted as a part of the number of hours fixed for legal employment by Federal or State laws.

Parents and guardians required to send children in employment to school, when.

Section 8. Every parent, guardian or other person in the first class school district in the State of Montana having control of any child or children between and including the ages of fifteen and seventeen, who have entered upon employment, shall be required to send such child or children to a part-time school or class whenever there shall have been such part-time school or class established in the district where the child resides or may be employed.

Failure to comply with Act a misdemeanor.

Section 9. In case any parent, guardian or other person in first class school districts in the State of Montana having control or charge of any child or children between and including the ages of fifteen and seventeen shall fail to comply with the provisions of this Act he shall be deemed guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than five dollars nor more than twenty dollars for each separate offense.

Penalty.

Duty of employer to permit children to attend such school.

Section 10. Any person, firm or corporation employing a child between the ages of fourteen and eighteen shall permit the attendance of such child upon a part-time school or class whenever such part-time school or class shall have been established in the first class district where the child resides or may be employed; and any person, firm or corporation employing any child over fourteen and less than eighteen years of age contrary to the provisions of this Act shall be subject to a fine of not less than twenty-five nor more than fifty dollars for each and every offense.

Penalty for violation of provisions of Act by employer.

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Officers who are charged with duty of enforcing attendance.

Section 11. The officers charged by law with the responsibility for enforcement of attendance upon regular public schools of children over eight years of age shall also be charged with the responsibility for the enforcement of attendance upon part-time school or classes of minors over fourteen years and less than eighteen years of age, in accordance with the terms of this Act.

District to be reimbursed from what funds.

Section 12. Whenever any part-time schools or classes shall have been established in accordance with the provisions of this Act, and the rules and regulations established by the State Board of Education, and shall have been approved by the State Board of Education, the first class district or county high school shall be entitled to reimbursement for the expenditures made for the salaries of teachers and co-ordinators of such part-time schools or classes of fifty per cent of the moneys so expended, such reimbursement to be made from Federal and State Funds available for the promotion of vocational education.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Act to take effect, when, and be applicable to whom and what.

Section 14. This Act shall be in full force and effect on and after September 1, 1919, and shall refer only to the establishment of part-time schools or classes for minors under eighteen years of age who are issued permits to enter upon employment after that date.

Approved March 5, 1919.

CHAPTER 134.

"An Act to Require Certain Employers to Make Reports to the Industrial Accident Board, Concerning Alien and Illiterate Employees, and Authorizing Said Board to Prescribe Rules and Regulations and to Fix Penalties With Reference Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Reports of aliens employed to be made quarterly to whom and when.

Section 1. It shall hereafter be the duty of every person, association or corporation employing more than fifty persons at one time, within the State of Montana, to make out and file with the Industrial Accident Board a regular quarterly report, showing the names, ages, and residence of all their employees who are not citizens of the United States, and also of all employees who do not read and speak the English language. All such reports

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shall be made upon printed blank forms to be furnished by the Industrial Accident Board, and shall in addition to the foregoing facts disclose the following, to-wit:

Form and contents of reports.

(1) The country of which said employee is a citizen;

(2) The period of time which said employee has resided in the United States;

(3) The period of time which said employee has been in the service of said employer;

(4) Whether said employee be married or single, and if married, the residence of employee's wife and family;

(5) What steps, if any, employee has taken to become a citizen of the United States;

(6) What steps, if any, employee has taken to familiarize himself with the English language;

(7) Such further and additional facts and information as shall be prescribed and required by said board.

Duty of Industrial Accident Board to furnish printed blank forms.

Section 2. It shall be the duty of the Industrial Accident Board to prepare or cause to be prepared all blank printed forms that shall be necessary to comply with the provisions hereof, which said blanks shall be furnished to all said employers upon application therefor to said Industrial Accident Board.

Employers constituted agents of Industrial Accident Board, for what purposes.

Section 3. For the purpose of carrying out the provisions of this Act, all employers of labor are hereby designated, for the purpose of receiving the information provided for in this Act, agents and representatives of the Industrial Accident Board, and it shall be the duty of all employees of such employers to furnish to the employers, upon their request, for and on behalf of said Industrial Accident Board, all information necessary to enable the employers to make out and furnish the report or reports required by this Act. In case of the failure or refusal of any employee to furnish to his employer the information provided for in this Act, such fact shall be reported by the employer to the Industrial Accident Board, and the Industrial Accident Board is hereby authorized and empowered to cause such employee to appear before the Industrial Accident Board, at such time and place as they may determine, and furnish the information required under the provisions of this Act.

Duty of employees to furnish what information.

Board may cause employee to appear before it, when.

Board may establish rules, regulations and penalties to secure compliance with Act.

Section 4. The Industrial Accident Board shall have full power and authority to make and prescribe all reasonable rules, regulations and to prescribe all necessary penalties, to secure a strict compliance with the provisions of this Act, and every employer or employee or other person, who shall fail or refuse to comply with the provisions

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of this Act, or with any rule or regulation of the Industrial Accident Board, shall be deemed guilty of a misdemeanor.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 135.

"An Act Prescribing the Terms Under Which Foreign Mutual Fire Insurance Companies and Foreign Mutual Casualty Insurance Companies Shall Be Permitted to Transact Business in the State of Montana, and Repealing Chapter 101 of the Session Laws of the Fourteenth Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Foreign mutual fire or casualty insurance corporations may be admitted to state.

Section 1. Any corporation organized under the laws of any state, district or territory of the United States other than the State of Montana or under the laws of any foreign country, to transact the business of fire or casualty insurance on the mutual plan, in accordance with the law of the State or country of its organization, may be permitted to transact any business within the State of Montana which it is authorized to transact in the State or Country where it is organized, upon complying with the laws of the State of Montana applicable to it, provided that such company is possessed of a surplus of $200,000.00 or more; provided, however, that nothing in this Act shall apply to companies now authorized to transact business in the State of Montana.

Conditions of admission.

Repealing clause.

Section 2. That Chapter 101 of the Session Laws of the Fourteeth Legislative Assembly of the State of Montana and all other acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force upon its passage and approval.

Approved March 5, 1919.

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CHAPTER 136.

"An Act to Amend Section 4152 of the Revised Codes of Montana of 1907 Relating to the Annual Statement and Filing Fees of Assessment Life Insurance Companies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 4152, Revised Codes, amended.

Section 1. That Section 4152 of the Revised Codes of Montana of 1907 be and the same are hereby amended to read as follows:

Assessment life insurance corporations organized hereunder not insurance corporations.

"Section 4152. Corporations organized under the provisions of this Chapter, or that have heretofore been organized within the State or Territory of Montana for the purpose of furnishing life, accident, or permanent disability indemnity or mortuary benefits on the assessment plan, in accordance with the provisions of Section 4146 of this Chapter are not insurance corporations and are not subject to the Laws of this State relating thereto but must comply with and conform to all the requirements and provisions of this Chapter and must, by their President and Secretary, or like officers, make to the State Auditor annually, within sixty days from and after the 1st day of January, each year, a statement, under oath, for the preceding year upon blanks furnished by the State Auditor, which statement must show their financial condition, assets, liabilities, total amount of indemnity in force, number of members, number whose membership has terminated during the year, and cause thereof, total receipts and sources thereof, total expenditures and objects thereof, and the average amount paid on each certificate, and must pay into the treasury of the State, upon filing said certificate, a fee of twenty-five dollars, and the said Auditor must publish said statement in his annual report. But nothing herein contained applies to any organization of a purely social, religious or benevolent character, where no commissions are paid, and no salaried officers or agents are employed; or to any local association or society organized under, or subject to the control of a grand or supreme body; or to any secret organization, having subordinate lodges or councils, which have been organized under the laws of this State or any other state or territory, and which are now permitted to do business in this State."

Statement to Auditor.

Organizations excluded from operation of Act.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

CHAPTER 137.

"An Act to Amend Chapter 105 of the Session Laws of the Fifteenth Legislative Assembly Relating to a High School Tax in Counties Not Having County High Schools."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Chapter 105 of the Session Laws of the Fifteenth Legislative Assembly be and the same is hereby amended to read as follows:

Tax of 3 mills may be levied for high school classes in certain counties.

"Section 1. In any county not maintaining a county high school but in which one or more districts maintain high school classes duly accredited for one, two, three or four years of high school work by the State Board of Education, a special tax, not exceeding three mills on each dollar of taxable property in the county, shall be made for the benefit of such schools. When such levy is to be made, the chairman of the board of trustees in each school district in which an accredited high school has been maintained during the preceding school year shall on or before the first day of August in each year, recommend and advise the board of county commissioners as to the amount of money required, and the board of county commissioners shall thereupon fix such a levy, not exceeding three mills as will raise sufficient money to meet the expenses of such accredited high school for maintenance during the ensuing school year, and the money derived from such levy shall be apportioned by the county superintendent of schools to the several districts in which such accredited high schools are maintained as follows; two-thirds of the total amount in proportion to the numbers of teachers employed and necessary for the effective instruction of pupils in accredited high school work, and one-third of the total amount in proportion to the total number of days attendance of pupils in accredited high school work for the school year next preceding, as determined by the said county superintendent, provided that the number of teachers allotted to any school for the purpose of such apportionment shall be determined in

Recommendation to be made by chairman of school trustees to county commissioners.

County commissioners to fix levy, when and in what amount.

Apportionment of tax money.

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accordance with a uniform method to be announced by the State Board of Education."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1919.

CHAPTER 138.

An Act to Amend Section 3, Subdivision 4 of Chapter 173 of the Fifteenth Legislative Assembly of the State of Montana, Session Laws of 1917, Relating to Establishing and Creating a General Fish and Game Law for the State of Montana, and Relating to the Protection of Game Animals and Birds Within a Certain District in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Subdivision 4 of Section 83 of Chapter 173 of the Fifteenth Legislative Assembly of the State of Montana, Session Laws of 1917, be amended to read as follows: Law amended.

"4. Gallatin Preserve. Beginning at a point in the center of the Yellowstone River where the Yellowstone River is intersected by the North Boundary Line of the Yellowstone National Park; thence down the Yellowstone River in a Northerly direction, a distance of eight miles, more or less, to a point in the center of the Yellowstone River directly opposite the mouth of Mol Heron Creek; thence due West in a straight line until this projected line intersects the watershed between Mol Heron Creek and Tom Miner Creek, a distance of six miles, more or less; thence in a general westerly direction following the watershed between Mol Heron Creek and Tom Miner Creek, Specimen Creek and Sheep Creek, Tepee Creek and Buffalo Horn Creek, to a point in the Northwest Quarter of Section Twelve, Township Nine South, Range Four East, where the County Road crosses the Gallatin River, a distance of fifteen miles, more or less; thence in a southeasterly direction along the northeasterly side-line of the County Road, to a point where said County Road, after running in a southeasterly direction from the point last mentioned, enters the Yellowstone National Park, being a distance of five and one-half miles, more or less; thence north along the west boundary line of the Yellow- Boundaries of Gallatin Game Preserve.

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stone National Park to a point where the west boundary line of said Yellowstone National Park intersects the north boundary line of said Yellowstone National Park, to-wit: the northwest corner of said Yellowstone National Park; thence east along the north boundary of said Yellowstone National Park to the point of beginning."

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 6, 1919.

CHAPTER 139.

"An Act to Amend Chapter 173, Laws of the Fifteenth Legislative Assembly of the State of Montana, Relating to the General Fish and Game Laws, by Adding Thereto Section 5A."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Chapter 173 of the Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended by adding thereto a section numbered 5A, as follows:

Form of fish and game license.

Section 5A. All licenses issued under the provisions of the Act shall have printed upon the face thereof in large black faced type the following words:

"This license does not authorize the holder to hunt within the boundaries of any National Park within the State of Montana."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1919.

CHAPTER 140.

"An Act Establishing, in the Counties of Valley, Roosevelt and Sheridan, a Closed Season on Grouse, Prairie Chickens, Sage Hens, Fool Hens, Pheasants, Partridges and Deer."

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful to shoot, kill, capture, or wound, or cause to be shot, killed, captured or wounded, within the County of Valley, County of Roosevelt, or the County of Sheridan, Montana, before the first day of October, 1921, any grouse, prairie chicken, sage hen, fool hen, pheasant, partridge or deer. Closed season on game in certain counties.

Section 2. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished accordingly. Penalty.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect on and after its passage and approval. Repealing clause.

Approved March 6, 1919.

CHAPTER 141.

"An Act to Create the County of Powder River, Designate Its Boundaries and Provide for Its Organization and Government, and to Change the Boundaries of Custer County to Conform Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the State of Montana embraced within the following boundaries shall be known as, and shall be, Powder River County in the State of Montana, to-wit: Powder River county established.

Beginning at the intersection of the Montana Base Line with the Range line between Ranges Fifty-four (54) and Fifty-five (55); thence due South along the Range line between Ranges Fifty-four (54) and Fifty-five (55) to its intersection with the Montana-Wyoming State boundary line; thence due West along the Montana-Wyoming State boundary line to its inter-section with the Range line between Ranges Forty-four (44) and Forty-five (45); thence due North along the Range line between Ranges Forty-four (44) and Forty-five (45) to the point of intersection with the Montana Base Line; thence due East along the Montana Base Line to the point of beginning. Boundaries.

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Attached to Sixteenth Judicial District.

Section 2. That for judicial purposes the said County of Powder River shall be attached to, and become a part of, the Sixteenth Judicial District of the State of Montana.

Selection of temporary county seat.

Section 3. That the temporary county seat of said County of Powder River shall be selected and designated in the manner provided by the provisions of Chapter 135 of the Acts of the Twelfth Legislative Assembly of the State of Montana, approved March 9th, 1911.

Laws applicable to new county.

Section 4. All laws of a general nature applicable to the several counties of the State of Montana, and all offices thereof shall be made applicable to the said county of Powder River, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this Act.

Organization of board of county commissioners.

Section 5. It shall be the duty of the persons hereinafter appointed to the office of County Commissioners of said County of Powder River by this Act, to meet at the town of Olive in said County of Powder River within fifteen (15) days after the passage and approval of this Act, and then and there organize as a Board of County Commissioners, by electing one of their number as Chairman.

Apportionment of indebtedness of Custer county.

Section 6. That all the indebtedness of Custer County, as the same shall exist on the first day of April, 1919, shall be apportioned between the County of Custer and the County of Powder River by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to said Custer County and also deducting the value of all real and personal property within or belonging to the said Custer County on the first day of April, 1919, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Custer County, and the taxable property in Powder River County, and heretofore within the boundaries of Custer County; said amount of taxable property to be ascertained and said apportionment and valuation of the county property to be made by a commission consisting of the Board of County Commissioners of Custer County and Powder River County and the Judge of the Sixteenth Judicial District of the State of Montana, which said commission shall meet at the Court House in Miles City on the first Monday in April, 1919, and shall take as a standard for said apportionment of indebtedness the assessment of the year 1918, as determined by the Board of Equalization of said Custer County.

Commission to ascertain amount of taxable property.

Time and place of meeting of commission.

Standard of apportionment.

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List of delinquent taxes.

Section 7. That the Treasurers of said counties of Custer and Powder River shall at the time of the adjustment, as provided in this Act, make out and transmit to the County Commissioners of Powder River County a list of all delinquent taxes and amounts of uncollected taxes within the limits of Powder River County as above defined; provided that no delinquent taxes due the County of Custer shall be considered in the adjustment of the debt as hereinbefore provided; but it shall be the duties of the treasurers of Custer and Powder River Counties to collect such delinquent taxes as shall be due said county, and to turn over, within thirty days after making such collection, to the treasurer of Powder River County a pro rata share of such taxes as he may be able to collect.

Duty of treasurers of Custer and Powder River counties to collect delinquent taxes.

Surplus funds.

It is further provided that should there be a surplus of funds in the hands of the treasurer of Custer County after the adjustment hereinbefore provided, said surplus shall be divided between the counties of Custer and Powder River, in the same manner as herein provided for dividing the indebtedness.

Duty of county commissioners in settlement with Custer county.

Section 8. That upon the adjustment of said indebtedness it shall be the duty of the County Commissioners of Powder River County to cause to be made out, issued and delivered to the County Commissioners of Custer County warrants for any amounts found due said county, which warrants upon presentation shall be endorsed by the treasurer of Custer County, "Not paid for want of funds," and shall thereafter draw interest as other county warrants.

Bonds which may be issued to pay indebtedness.

Section 9. The County Commissioners of the County of Powder River, for the purpose of paying any of the indebtedness which may be incurred, by reason of assuming any of the indebtedness of the County of Custer are hereby authorized and empowered to cause to be issued and to sell at not less than par the bonds of the said County of Powder River in an amount to said indebtedness so incurred, in the manner provided by law for the issuing and sale of county bonds.

Transfer of school moneys.

Section 10. It is hereby made the duty of the County Treasurer of Custer County to transfer and pay over on or before the first day of August, 1919, all moneys in said County of Custer to the credit of school districts embraced within the limits of said County of Powder River as may have been hereby taken from the said County of Custer, which said moneys so transferred shall be held by the

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said County of Powder River to the credit and for the use of the same school districts as they formerly existed.

Contract for transcribing records.

Section 11. The Board of County Commissioners of Powder River County are hereby empowered and it shall be their duty to provide suitable books and to contract with the lowest responsible bidder for transcribing and indexing the records of the old county or counties all such parts thereof as relate to or affect property or the title thereof, situated in the new county, and said records, when so transcribed and certified, as herein provided shall have the same force and effect as such original record; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by Law; providing that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens and original affidavits of registration which may affect or relate to property or persons situate within the new county, shall be by the County Clerk of the old county delivered to the County Clerk of the new county and be preserved by said County Clerk of the new county as permanent files of such new county.

Delivery of records affecting new county.

Compensation of clerk for comparing and certifying records.

The County Clerk of the County of Powder River shall receive for the services in comparing and certifying to the correctness of the copy of said records, Five Dollars ($5.00) per day while engaged in said labor, which amount shall be paid by the County of Powder River upon the completion of said labor.

Section 12. All actions pending in the District Court of the old county for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate lying in the County of Powder River shall, on motion of any party thereto, be transferred to the District Court to which the County of Powder River is attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the County of Powder River. All other actions or special proceedings pending in the District Court of said old county, on motion of any party interested therein, shall be transferred to the District Court of said County of Powder River, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the said County of Powder River.

Transfer of actions and proceedings.

Section 13. The following named persons are hereby appointed to fill the offices as set opposite their names:

Officers appointed by Act.

County Commissioner.....Charles Decker

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County Commissioner.....J. H. Morris
County Commissioner.....W. H. Peays
Sheriff.....W. E. Sutter
County Treasurer.....A. J. Haley
County Assessor.....Charles Lewis
Clerk of the District Court.....Herbert Straiton
Clerk and Recorder.....F. T. West
County Attorney.....N. A. Burkey
County Superintendent of Schools.....Winona Lewis
County Surveyor.....Frank L. Funkenbusch
Public Administrator.....John Rainor
Coroner.....W. F. Wilson

Powers and duties of officers.

All of said officers shall have power and perform the same duties and be entitled to the same privileges as by law conferred on like officers in other counties and shall hold their respective offices until after the next general election, or until their successors are duly elected and qualified; the said officers, however, before entering upon their duties shall severally give bonds and take the oath as required of the county officers of other counties in other counties of this state; and said bonds shall be filed as by law required and approved by the State Auditor.

Bonds and oath.

To be county of seventh class.

Section 14. The said County of Powder River shall be designated as a county of the seventh class, and the officers appointed as mentioned herein in Section 13, shall each be allowed to receive as annual compensation as such officers, such salary, compensation and emoluments as are provided by law for officers of counties of the seventh class.

Subdivision of county into municipal townships and road districts.

Section 15. That at their first meeting the said Commissioners of Powder River County are empowered to subdivide said county into municipal townships and establish road districts, and they are hereby authorized to appoint two justices of the peace and two constables for each municipal township, and road supervisor for each road district, when required, as provided by the Revised Codes of 1917, of the State of Montana, who shall hold their offices until their successors are elected or appointed and qualified.

Justices of the peace and road supervisors.

Old officers who hold over.

All township and precinct officers, road supervisors, officers of school districts and other officers, within and for the County of Powder River, whose election or appointment is not provided for, shall and may continue to hold office and exercise the duties pertaining thereto until the expiration of the term for which said officers were elected or appointed.

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Court house, when to be constructed.

Section 16. No court house shall be constructed by the said County of Powder River until the permanent county seat is, as hereinbefore provided, determined.

Boundaries of Custer county altered.

Section 17. The county boundaries of the County of Custer are hereby altered so as to conform to the boundaries of Powder River County as established by this Act.

Section 18. This Act shall take effect from and after the first day of April, 1919.

This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in session, it has become a law without the Governor's signature, this seventh day of March, A. D. 1919.

C. T. STEWART,
Secretary of State.

CHAPTER 142.

"An Act to Amend Section 63 of Chapter 173 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Relating to the Sale or Offering for Sale of Certain Game Birds and Animals, or Parts Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 63 of law amended.

Section 1. That Section 63 of Chapter 173 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Sale of birds or animals mentioned in Act unlawful.

"Section 63. It is hereby made unlawful for any person to sell or offer to sell any of the birds or animals, or any part thereof, mentioned in this Act, and any person so offering to sell or selling the same shall be guilty of a misdemeanor and punished accordingly; Provided, that nothing herein shall be so construed as to prohibit the sale of game specimens from game lawfully taken or killed, provided, however, that a permit shall first be obtained from the State Game Warden. "Game specimens" within the meaning hereof shall include any hide, scalp or head, whether mounted or unmounted, or any full life-sized mount, of any of the game animals or birds of this State."

Sale of game specimens excepted.

Meaning of term "game specimens."

Repealing clause.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

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This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in session, it has become a law without the Governor's signature, this seventh day of March, A. D. 1919.

C. T. STEWART,
Secretary of State.

CHAPTER 143.

"An Act Providing for the Filing of Sworn Analyses of Metal Used in the Manufacture of Corrugated Culverts, and Signed Specifications for Such Culverts, and the Incorporation of Such Affidavit and Specification in All Bids and Contracts for the Sale of Such Culverts to Counties, Cities, Towns, Municipal and Public Corporations, and to the State of Montana, and All Boards, Commissions, Bureaus, Departments and Officers Thereof, Providing That Such Affidavits Shall Be Public Records, Prohibiting Sale or Delivery of Corrugated Culverts Not Conforming to Such Analysis and Specifications and Providing a Penalty Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No bid or proposal for the sale of corrugated culverts to any County, City, Town, Municipal or other public corporation, or to the State of Montana, or any department, board, bureau, commission or officer thereof shall be valid, and no contract for the purchase of corrugated culverts by any county, city, town, municipal or other public corporation, or by the State of Montana, or any department, board, bureau, commission or officer thereof shall be entered into unless there shall have been filed by such bidder or seller with the Secretary of State, prior to the making of such bid or the letting of such contract, as the case may be, an accurate and complete analysis of the metal used in the manufacture of such corrugated culverts, showing the percentage each of pure iron, copper, carbon, silicon, manganese, sulphur, phosporus and other substances contained therein, together with the weight of galvanizing per square foot, sworn to by the manufacturer of such metal, and a copy of such affidavit, together with a specification showing gauge of the metal used in the various diameters of such culvert, the number, size and spacing of the rivets

Requirements in bids to furnish and in material used in corrugated metallic culverts furnished the state or any political subdivisions thereof.

To be filed, where.

Verified analysis.

Weight per square foot.

Other specifications required.

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and fastenings, and the length of lap of the longitudinal and circumferential seams, and the type of connection to be furnished for connecting together the various sections of such corrugated culverts, signed by the seller thereof or bidder, as the case may be, shall be incorporated in such bid or in such contract, as the case may be.

Failure to file analysis and copy required shall render bid or contract void.

Section 2. The failure to file such analysis with the Secretary of State, or the failure to incorporate such copy, together with such specification, shall render such bid or contract null, void, and of no effect, and no warrant or order for the payment of any public moneys for the purchase of corrugated culverts shall be valid unless the provisions of this Act shall have been fully complied with.

Duty of Secretary of State.

Section 3. It shall be the duty of the Secretary of State to file all such sworn analysis and keep a complete index thereof, and they shall thereupon become public records.

Selling to state or officer or any subdivision thereof of any corrugated culvert not made according to analysis a misdemeanor.

Section 4. Any person, firm or corporation who, as principal or agent, shall intentionally sell or deliver for sale to any county, city, town, municipal or other public corporation, or the State of Montana, or any department, board, bureau, commission or officer thereof, any corrugated culvert which is inferior in grade, quality, weight, character, kind or brand to that specified in his bid, analysis, specification or contract, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars ($500.00) or greater than One Thousand Dollars ($1,000.00), or by imprisonment in the County Jail for not more than thirty days, or by both such fine and imprisonment; and upon a second conviction for such offense he shall be punished by a fine of not less than One Thousand Dollars, ($1,000.00) or more than Fifteen Hundred Dollars ($1,500.00), or by imprisonment in the Counay Jail for not less than thirty days nor more than sixty days, or by both such fine and imprisonment.

Penalty.

Penalty upon second conviction.

Duty of county attorney to prosecute.

Section 5. It shall be the duty of the County Attorneys in this State to diligently prosecute any and all persons violating any of the provisions of, and otherwise to enforce, this Act in their respective places (counties or districts) upon complaint of any citizen or tax payer of any violation of this Act.

Section 6. All laws or parts of laws in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

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This Bill having remained with the Governor five days (Sunday excepted) and the Legislative Assembly being in session, it has become a law without the Governor's signature, this seventh day of March, A. D. 1919.

C. T. STEWART,
Secretary of State.

CHAPTER 144.

"An Act to Provide an Additional Judge for the Sixteenth Judicial District of the State of Montana, So That There Will Be Two Judges in Said District."

Be it enacted by the Legislative Assembly of the State of Montana:

Additional judge for Sixteenth Judicial District.

Section 1. That from and after the passage and approval of this Act there shall be two judges in the Sixteenth Judicial District of the State of Montana.

Appointment of judge.

Section 2. That the Governor shall appoint some fit and qualified person as additional judge of the said Sixteenth Judicial District to hold his office until his successor is elected and qualified.

Residences of two judges.

Section 3. That after the appointment provided for in this Act of an additional Judge for the Sixteenth Judicial District, one of said Judges of said Sixteenth Judicial District shall reside in the City of Miles, in the County of Custer; and the other Judge of said Sixteenth Judicial District shall reside in the City of Baker, in the County of Fallon.

Compensation and jurisdiction of new judge.

Section 4. The compensation, powers and duties of the said additional Judge by this Act created shall be the same as are provided by law for other District Judges.

Section 5. That this Act shall be in effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 145.

"An Act Requiring Any Persin, Corporation or Company Operating a Railroad or Railway in the State of Montana to Equip and Maintain Numbers on Its Locomotive Engines, and Electric Motors and Giving the Board

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of Railroad Commissioners Jurisdiction Thereof, and Providing a Penalty for the Violation of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Railroad companies required to equip locomotives and electric motors with numbers.

Section 1. It shall be the duty of every person, corporation or company operating a railroad or railway in this state, to equip all locomotive engines and electric motors used in hauling trains over said railroad or railway, with suitable numbers, which numbers shall be displayed at the front and both sides of the headlight on said locomotive engine, or electric motor and to be such size as to be easily read from a passing or meeting train.

Position and size.

Railroad Commission to order hearing upon complaint filed.

Section 2. When a complaint is made to the Board of Railroad Commissioners that any person, corporation or company operating a railroad or railway in this state, has failed to comply with the provisions of this Act, such Board shall order a hearing and shall serve a notice on such person, corporation or company at least fifteen days before the date set for such hearing, which notice may be served upon any agent of such person, corporation or company. At the conclusion of such hearing, the said Board of Railroad Commissioners may make such order in the premises as is deemed necessary, and may prescribe the time within which all such locomotive engines shall be equipped with such numbers.

Notice and service.

Order to be made, when and to what effect.

Violation of Act a misdemeanor.

Section 3. Any person, corporation or company operating a railroad or railway in this state, who violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Fifty-Dollars ($50.00) nor more than One Hundred Dollars ($100.0) for each offense.

Penalty.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect ninety days after its passage and approval.

Approved March 7, 1919.

CHAPTER 146.

"An Act to Provide for the Enforcement of Conditional Sale Contracts, and Amending Article IV, Chapter I, Title I, Part IV, Divisoin III, of the Revised Codes of

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the State of Montana, by Adding Thereto an Additional Section, Numbered 5094-a."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 5094-a added to Revised Codes.

Section 1. That Article IV, Chapter I, Title I, Part IV, Division III of the Revised Codes of the State of Montana, 1907, be, and the same hereby is, amended by adding thereto the following section, numbered 5094-a, to-wit:

Default of vendee in conditional sale contract.

Section 5094-a. Upon default being made by the vendee in any of the terms and conditions of any contract, note or instrument for the transfer or sale of personal property where the title to said property is stipulated to remain in the vendor until the payment of the purchase price, the vendor may recover the possession of said property in an action of claim and delivery, brought and conducted as provided by law for such action; and, in addition thereto, it shall also be lawful for the vendor of any such personal property to insert in any such conditional sale contract, note or instrument, and make a part thereof, a clause authorizing the Sheriff of the County in which said property, or any part thereof, may be, upon request of the vendor and the delivery to him of a copy of such contract, note or instrument certified by the county clerk and recorder of the county where the same is on file as being a true copy, to take possession of such property in case of such default, and sell the same after notice given therefor for such time and in the manner provided by law for sheriff's sale of personal property under execution, and apply the proceeds thereof first to the payment of the expenses of such sale, and second, to the payment of the amount due on said contract, note or instrument, and the remainder, if any, shall be paid to the vendee or assigns, and if such clause is inserted in said contract, note or instrument, as aforesaid, and said vendor complies with the terms thereof, it is hereby made the duty of such sheriff upon the request of said vendor, to take said property and sell the same and apply the proceeds as therein set forth. The said sheriff may require a reasonable indemnity bond from the vendor or his assigns before taking possession of or selling said property. For his services in taking and selling the said property, the sheriff shall be entitled to fees and mileage as in the case of sale of personal property under chattel mortgage, and such fees and costs when paid by the vendor shall become part of the indebtedness of the vendee to the vendor and should the proceeds of said sale not be sufficient to pay the balance due on said contract, note

Action of claim and delivery.

Clause in contract for possession and sale of property by sheriff.

Notice of sale.

Application of proceeds of sale.

Duty of sheriff.

Bond of indemnity.

Fees and mileage of sheriff.

Action of vendor for deficiency.

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or instrument, including said costs, the remainder due thereon, if any, may be recovered by the vendor in an appropriate action on the original contract, note or instrument.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after April 1st, 1919.

Approved March 7, 1919.

CHAPTER 147.

"An Act Making It Unlawful to Employ Women in Any Occupation Within the State of Montana for Less Compensation, Salary or Wages Than That Paid to Men for the Same Work, and Providing a Penalty for Violation Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Equal pay for women.

Section 1. It shall be unlawful for any person, firm, state, county, municipal or school district, public or private corporation to employ any woman or women, in any occupation or calling within the State of Montana for salaries, wages or compensation which are less than that paid to men for equivalent service or for the same amount or class of work, or labor in the same industry, school, establishment, office or place of any kind or description.

Violation of provisions of Act a misdemeanor.

Section 2. Any person, firm, state, county, municipal or school district officers or public or private corporation violating any of the provisions of Section 1. of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-Five ($25.00) Dollars nor more than Five Hundred ($500.00) Dollars for each offense.

Penalty.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after July 1st, 1919.

Approved March 7, 1919.

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CHAPTER 148.

"An Act Regulating Railroad Crossings Outside of Incorporated Cities and Towns; Conferring Upon County Commissioners Power to Order the Construction of Railroad Crossings: Empowering the Board of Railroad Commissioners of the State of Montana to Enforce This Act; Providing Penalties for the Violation of This Act, and Repealing Chapter 18 and Chapter Sixty-five of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Railroad crossings outside of incorporated cities and towns, duty of railroads.

Section .1 That at all places in the State of Montana, outside of incorporated cities and towns where a lawfully established public highway now crosses or shall hereafter cross any railroad, it shall be the duty of the railroad company, owning or operating such railroad, to construct and thereafter maintain, in proper condition, a good and safe crossing.

Railroad crossings in unincorporated towns or villages.

Section 2. In any unincorporated community ordinarily known as a village or town where the public necessity and convenience require a railroad crossing at the intersection of the railroad with any street or highway, whether lawfully established or otherwise, which is commonly used by the public, the board of county commissioners of the county may order the construction and maintenance of such railroad crossing, and upon such order becoming final and effective, it shall be the duty of the railroad company to construct and maintain in proper condition, a good and safe crossing. The board of county commissioners may order more than one railroad crossing in such unincorporated community, as in this section provided, when the public necessity and convenience require more than one such crossing to afford reasonable facilities for public travel.

County commissioners may order construction and maintenance of.

Duty of road to construct and maintain.

Order of county commissioners shall specify what.

Section 3. Whenever any board of county commissioners shall order the construction of any railroad crossing, said board shall enter an order upon its minutes specifying the place of such crossing, and a copy of said order shall be served upon the railroad company, and a copy shall also be immediately mailed to the board of railroad commissioners of the state of Montana. Service of said order may be made upon the railroad company by delivering such copy to any station agent employed in

Copy to be served on railroad company and mailed to whom.

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connection with the operation of said railroad in said county.

Duty of road to construct within 60 days.

Section 4. It shall be the duty of a railroad company to construct a crossing ordered by the board of county commissioners of any county within sixty (60) days after service of such order; provided, however, that in case any crossing shall be ordered requiring any extended period of construction, such additional time as is reasonably necessary to complete the same, shall be allowed by the said board of railroad commissioners upon proper application for such extension.

When longer time may be allowed.

Railroad commissioners granted power to enforce order of county commissioners.

Section 5. The said board of railroad commissioners is hereby given full power to enforce the orders of any board of county commissioners for the construction of railroad crossings, and is likewise given full power to pass upon the reasonableness of any such order to modify, change or annul the same.

Notice by railroad when order is considered unreasonable.

Section 6. Whenever any railroad crossing has been ordered by the county commissioners, as herein provided, the railroad company may, within thirty (30) days after the service of such order, serve upon the board of railroad commissioners, a notice stating why such order is considered unreasonable or unjust, and request that the board of railroad commissioners hold a hearing for the purpose of determining whether or not the construction of such crossing should reasonably be required. The board of railroad commissioners shall thereupon institute a hearing for said purpose and all interested parties shall be given reasonable notice and an opportunity to be heard, and said board of railroad commissioners may after such hearing, either affirm, modify or annul such order.

Hearing by Railroad Commissioners requested.

Notice to interested parties.

Grade crossings only to be ordered by county commissioners.

Railroad Commissioners may order overhead or underground crossings, when and where.

Hearing of petition for overhead or underground crossings.

Notice to county commissioners.

Section 7. That no railroad crossing, other than a grade crossing, shall be ordered by any board of county commissioners, the Board of Railroad Commissioners may, however, upon petition or request in writing of any Board of county commissioners, order an overhead or underground crossing at any place where a railroad crossing has not been constructed and is required by the provisions of this Act, provided in its judgment the safety, necessity and convenience of the traveling public require such crossing. When any such petition or request is presented, the Board of Railroad Commissioners shall fix a date for hearing the same, and shall give at least ten days' written notice to the board of county commissioners, and the owner or operator of the railroad to be affected by such order of the time fixed for the hearing. At

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such hearing, the said board of railroad commissioners shall hear all testimony offered as to the safety, necessity and convenience of the traveling public requiring such a crossing, the expense of constructing and maintaining the same, and make such investigation and inspection of the conditions at the place of crossing, as may be deemed necessary or advisable, and shall thereupon determine whether such order should be made. In the event an overhead or underground corssing is ordered, the board of railroad commissioners may, in its discretion, require the same to be constructed and maintained by, and at the expense of the railroad company, or may apportion the expense between the railroad company and the county in which said crossing is located. The part of the expense apportioned to said county, if any, shall be paid to the railroad company from the funds of said county properly applicable to the payment of such expense.

Evidence which Board shall hear.

Railroad Commissioners may order crossing made at whose expense.

County's part of expense, if any, to be paid from what funds.

Section 8. The board of county commissioners or the railroad company affected by an order or decision of the board of railroad commissioners made pursuant to the provisions of this act, may commence an action in any court having jurisdiction, to determine the justness and reasonableness of such order or decision, and in any such action, the order or decision sought to be reviewed shall prima facie be deemed just, reasonable and proper.

Action may be brought to determine justice and reasonableness of order, where.

Section 9. In the event of an application to the board of railroad commissioners to review any order made by the board of county commissioners, and in the event of any action to review any order or decision of the board of railroad commissioners as herein provided, the time within which to comply with said order shall be extended, and the railroad company shall have sixty (60) days after the said order or decision becomes final and effective within which to comply with the same. The time for compliance as herein provided, may be extended for good cause shown, by the board of railroad commissioners of the state.

Time for construction extended when action commenced to determine reasonableness and justice of order.

Section 10. Nothing in this Act contained shall in any way affect the liability of any railroad company for damage to persons or property injured at any crossings.

Liability not affected by provisions of Act.

Section 11. Any railroad company failing to construct any crossing after the order or decision requiring the construction of same has become final, within the time herein provided, or within any extension of time granted by the said board of railroad commissioners, shall for each day's failure, pay to the state of Montana, a fine

Penalty for failure to comply with order for construction.

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of not less than ten dollars ($10.00), nor more than one hundred dollars ($100.00), to be recovered in a civil action in the name of the State of Montana, and it shall be the duty of the county attorney of the county within which is located the site of the proposed crossing to prosecute such action.

How recovered.

Duty of county attorney.

"Railroad company" defined.

Section 12. The words "railroad company" as herein used, shall be taken and construed to mean any corporation, person or association of persons owning or operating a railroad.

Laws repealed.

Section 13. Chapter eighteen and chapter sixty-five of the session laws of the Thirteenth Legislative Assembly of the State of Montana, and all other Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 14. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 149.

"An Act to Submit to the Qualified Electors of the State of Montana and Amendment to Section Five of Article Eleven of the Constitution of the State of Montana, Providing that Ninety-Five Per Centum of All the Interest received on the School Funds of the State and Ninety-Five Per Centum of all the Other Income From the School Funds of the State Shall Be Apporitioned to the Several Schol Districts of the State; and Further Providing That the Remaining Five Per Centum of All the Interest Received on the School Funds of the State and the Remaining Five Per Centum of All the Other Income From the School Funds of the State Shall Be Added to the Public School Funds of the State and Become a Permanent Part Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Submission of amendment of section 5, Art. XI, of Constitution.

Section 1. That Section Five (5) of Article Eleven (11) of the Constitution of the State of Montana be amended, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section Five (5) of Article Eleven (11) of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

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"Ninety-five per centum (95%) of all the interest received on the school funds of the State, and Ninety-five per centum (95%) of all rents received from the leasing of school lands and of all other income from the public school funds shall be apportioned annually to the several school districts of the State in proportion to the number of children and youths between the ages of six (6) and twenty-one (21) residing therein respectively, but no district shall be entitled to such distributive share that does not maintain a public free school for at least six months during the year for which such distribution is made. The remaining five per centum (5%) of all the interest received on the school funds of the State, and the remaining five per centum (5%) of all the rents received from the leasing of school lands and of all other income from the public school funds, shall annually be added to the public school funds of the State and become and forever remain an inseparable and inviolable part thereof.

Apportionment of interest on school funds among school districts.

Conditions of apportionment.

Disposition of residue of interest.

Section 3. That separate official ballots be provided at the general election to be held in November 1920, which shall have printed thereon all of Section 5 of Article 11 of the constitution of the State of Montana as amended by this Act. Below the said amended Section on the said ballots there shall be printed.

Official ballots.

☐ For the above written amendment to the constitution.
☐ Against the above written amendment to the constitution.

Form of stating question to be voted on.

The elector shall indicate his preference by marking an X in the square before the proposition for which he desires to vote. The result of the vote on the said amendment shall be determined and declared as provided by law.

Marking of ballots.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its approval.

Approved March 7th, 1919.

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CHAPTER 150.

"An Act to Amend Section Four (4) and Five (5) of Chapter 82 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, An Act Entitled: 'An Act to Regulate the Practice of Veterinary Medicine and Surgery in the State of Montana, and to Establish a Board of Examiners in Veterinary Medicine and Surgery, and to Define Offenses Committed Contrary to the Provisions of This Act, and Providing Penalties for the Violation Thereof' by Changing the Word 'Ten' to the Word 'Eleven' in said Section Four (4) and the Word 'Eight' to the Word 'Nine' in Said Section Five (5)."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 4 of Act of 1913, regulating practice of veterinary medicine and surgery, amended.

Section 1. That Section four of the Act approved March 13, 1913 entitled "An Act to Regulate the Practice of Veterinary Medicine and Surgery in the State of Montana, and to Establish a Board of Examiners in Veterinary Medicine and Surgery, and to define offenses committed contrary to the provisions of this Act, and providing penalties for the violation thereof," be, and it is hereby amended to read as follows, to-wit:

Who shall make application for license to practice.

"Section 4. Application; Examination; Fees. Any person desiring to begin the practice of Veterinary medicine or veterinary surgery in the State of Montana, or who shall desire to hold himself or herself out to the public as a practitioner of veterinary medicine or veterinary surgery, except as provided in Section Eleven of this Act, shall make application to said Board of Examiners for

Form and requirements of applications.

license so to do. Such application shall be upon a form furnished by said Board and shall be accompanied by satisfactory evidence of the good moral character of the applicant, and shall present evidence of having graduated in and received a degree from a legally authorized veterinary medical school recognized by the American Veterinary Medical Association; said school or college having a curriculum requiring a three-year course or its equiv-

Presentation of diploma.

alent for graduation. On application, the diploma of said applicant shall be submitted to said Board for inspection and verification. Every person applying to said Board

Application fee.

for license to practice shall pay to the Board the fee of ten dollars ($10.00) which fee shall in no case be refunded, and which shall become a part of the funds of

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the treasury of the Board. Said Board shall, by means of examination, either oral or written as the Board may determine, ascertain the professional qualifications for license of all applicants under this Act, and shall issue such license to all who are found upon examination to be in the judgment of said Board competent to practice, and no such license shall be issued to any person who is not found by such examination to be competent. Such examination shall be held at a time and place or places specified by said Board, and shall include suitable questions for a thorough examination in comparative anatomy, physiology and hygiene, in chemistry and veterinary surgery, obstetrics, pathology and diagnosis and therapeutics, including practice of materia medica, bacteriology, parisitology and other branches deemed advisable by the Board. Said Board shall consecutively number all applications received and note upon each the disposition made of it and preserve same for reference, and shall number consecutively all licenses issued. Provided that veterinarians holding a diploma from a recognized veterinary medical school, who are at the time of the passage and approval of this Act engaged in the practice of veterinary medicine in the State of Montana, shall be entitled to a license without such examination. Any candidate failing on one subject, with a general average of eighty per cent in the others may be re-examined in that subject at any regular examination; failing in one subject with a lower average or in two or more subjects, may be admitted to a subsequent examination on original fee after six months have elapsed and must then take the examination in all subjects. The Board may issue temporary license to such candidate, allowing him or her to practice pending the successful passage of an examination."

Examinations.

Licenses to be issued to whom.

Time and place of examinations.

Subjects embraced in examination.

Applications to be numbered and marked.

Licenses to be numbered.

Licenses issued without examination, when.

Who may be re-examined after failure, and when.

Temporary license.

Section 2. That Section five of said Act be, and it is hereby amended to read as follows, to-wit:

Section 5 of Act amended.

"Section 5. Application for license as Farrier. Any person desiring to begin the practice of treating domestic animals in the State of Montana under the title of Farrier, shall make application to said Board of Veterinary Medical Examiners on or before July 1st, 1919, so to do. Such application shall be upon a form furnished by said Board, and shall be accompanied by the fee prescribed in Section 4 of this Act, and satisfactory evidence of the good moral character of the applicant, who shall present satisfactory evidence of having resided in the State of Montana for a period of twenty-four months im-

Farriers shall make application, before what date.

Form of application, fee, and accompanying evidence.

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License to be granted, when.

mediately previous to the passage and approval of this Act, and of having treated domestic animals as a part of his or her vocation during that period, and a license shall be granted. Such license shall entitle him or her to all the rights and privileges of this Act except those contained in Section Nine.

Approved March 7, 1919.

CHAPTER 151.

"An Act Requiring the Installation of Electric Bell or Other Signaling Devices at Railroad Crossings Outside of Incorporated Cities and Towns when Ordered by the Board of Railroad Commissioners of the State of Montana, Upon Pettion of Boards of County Commissioners and Providing Penalities for the Violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Railroad Commissioners may order electric signal bells installed, when and where.

Section 1. That authority is hereby given to the Board of Railroad Commissioners of the State of Montana, upon petition in writing made to it by any Board of County Commissioners of the State of Montana to order railroad companies to install and maintain an electrically operated bell or other signaling device at all points in the State of Montana, where the main lines, spurs or switches of any railroad in continuous operation and use, owned or operated by them, cross any public highway now lawfully established or hereafter laid out within the State of Montana, and where the contour of the country adjacent to said crossing is such that a person approaching same along said highway cannot, at a distance of twenty-five feet of said crossing, obtain an unobstructed view of said railroad track for a distance of one-half mile on either side of said crossing, Provided however, all persons driving motor vehicles upon the public highways of this State, outside of incorporate limits of incorporated cities or towns, where the view is obscure or when a moving train is within sight or hearing, shall bring said vehicle to a full stop not less than ten nor more than one hundred feet from where said highway intersects railroad tracts within this State, before crossing the same, at all crossings where a flagman or a mechanical device is not maintained to warn the traveling public of approaching trains or cars.

Motor vehicles must be brought to full stop at what railroad crossings.

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Hearing of petition to be held, when.

Section 2. It shall be the duty of the Board of Railroad Commissioners of the State of Montana, upon the presentation of any petition by a Board of County Commissioners, requesting the installation of the signaling device provided for in this Act, to hold a hearing if same be demanded by the railway company, or companies affected, upon due notice to all interested parties in such manner as the Commission shall direct. Upon said hearing, if a hearing be demanded, or without a hearing if same has not been demanded, the commission shall make such order as it sees fit, and shall, in its discretion, order or refuse to order the installation of the signaling devices as petitioned for by said Board of County Commissioners.

Order upon hearing.

Construction and requirements of signal devices.

Section 3. All electric bells or other signaling devices required by this act to be installed, upon direction of the Board of Railroad Commissioners of the State of Montana, shall be so constructed that they will operate automatically upon the approach of a train and will commence sounding when any approaching train is at such distance from said crossing as the Board of Railroad Commissioners may determine and order and shall continue to sound until the train has reached said crossing.

Railroads required to install equipment within what time.

Section 4. It shall be the duty of every person, firm or corporation, owning or operating any line of railroad within the State of Montana, to equip its crossing with the signaling device herein described within three months after being ordered by the Board of Railroad Commissioners of the State of Montana so to do. Nothing herein contained shall be so construed as to authorize the Board of Railroad Commissioners to order the installation of signaling devices except upon petition of a Board of County Commissioners, and after a hearing as hereinbefore provided for.

Signal devices can be ordered only upon petition of board of county commissioners.

Penalty for not complying with order of Railroad Commissioners.

Section 5. Any railroad company, person, firm or corporation failing to comply with the terms of this act or failure to equip its lines with the signaling device herein described, when ordered by the Board of Railroad Commissioners of the State of Montana, so to do, within the time specified by said order, shall forfeit, to the State of Montana, the sum of Fifty Dollars ($50.00) for each and every failure to equip each crossing under its control with the signaling device required by this act and each day's failure to comply with the terms of this act shall constitute a separate offense and shall give rise to a like liability.

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Section 6. This act shall take effect and be in full force from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 152.

"An Act to Amend Section 5, Chapter 86 of the Session Laws of the Thirteenth Session, 1913, Relating to Chattel Mortgages."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 5 of Chapter 86 of the Session Laws of the Thirteenth Session, 1913, be and the same is hereby amended to read as follows:

"Section 5. Duration of Liens.

Chattel mortgage, life of.

Every mortgage of personal property, made, acknowledged and filed, as provided by the laws of this State, is thereupon, if made in good faith, good and valid as against the creditors of the mortgagor, or subsequent purchaser, or incumbrancers, from the time it is so filed, and for the period of two years and sixty days thereafter. A mortgage of personal property, executed and filed as hereinbefore provided, ceases to be valid as against creditors of the mortgagor or subsequent purchaser or incumbrancer in good faith, after the expiration of two years and sixty days from the filing thereof except as hereinafter provided."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 153.

"An Act Providing for the Amendment of Chapter 96 of the Montana Session Laws of 1917 Providing for the Extermination of Gophers and Prescribing the

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Manner in Which the Expense of Exterminating the Same Shall be Paid."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

That Sections 1, 2, 3 and 4 of Chapter 96 of the 1917 Montana Session Laws, be, and the same are hereby amended to read as follows:

Appointment of gopher exterminator.

Section 1. EXTERMINATION OF GOPHERS.—The County Commissioners of any County of this State, where there are gophers, upon a petition of ten resident land owners, are hereby authorized and empowered to appoint some suitable person or persons, whose duty it shall be to poison, kill, and exterminate the gophers within such County, and any person so appointed is hereby empowered and directed to, between March first and September first, enter upon any farm, railroad right-of-way, grounds or premises where there are gophers, and poison, kill and exterminate the gophers thereon when the owner or occupant thereof shall neglect or refuse to do so. In any County where there is a duly incorporated Farm Bureau, the appointment of the aforesaid person or persons to exterminate gophers shall be made on the recommendation of the Farm Bureau, which shall also supervise the work of the above person or persons.

Power to enter upon lands and premises for purposes of Act.

When person appointed to exterminate shall be appointed upon recommendation of Farm Bureau.

Notice to owner to exterminate gophers.

Section 2. NOTICE, HOW SERVED.—It shall be the duty of the person so appointed to give anyone, on whose premises are found gophers, ten days notice in writing, to poison, kill or exterminate the same; or if such land is unoccupied and owned by a non-resident such notice shall be mailed to its owner's address, or if the address is unknown, posted upon the land or premises where such gophers are to be exterminated; and if upon the land or right-of-way of any railroad company such notice may be served upon its agent at the station nearest to such land or right-of-way; and if the work of exterminating same is not done within such time the person so appointed by the county commissioners shall proceed to poison, kill and exterminate the gophers on such land or premises, provided that any person authorized to exterminate gophers according to the provisions of the Act shall, when poison is laid out, use every precaution to prevent the destruction of domestic fowl or animals, and of game birds by such poison, and no person shall lay out poison in any pasture where there is stock, or within forty rods of any occupied dwelling or farm house, without the knowledge of the owner or occupant thereof. Provided, further, that any

When to be posted on land.

Service on railroad company.

Duty of person appointed when owner fails.

Precautions to be used to protect other animals.

Places where poison shall not be laid out.

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When owner unable to purchase poison.

What application to county commissioners shall contain.

County commissioners shall furnish poison, when.

Limit in amount.

To be paid out of what fund.

Tax lien.

person who is not able financially to poison, kill and exterminate the gophers on his land, or premises, may make application to the County Commissioners for financial assistance in procuring poison by him for that purpose. Such application shall set forth such facts as may be necessary to advise the County Commissioners of the financial condition of such applicant. If, upon investigation, the Board of County Commissioners shall find such applicant entitled to assistance, it shall be the duty of the Board of County Commissioners to provide such applicant with sufficient poison or poisoned grains to kill and exterminate the gophers upon his land or premises, provided, that the maximum amount that may be advanced to any one person shall not be greater than six dollars ($6.00) per 160 acres. The amount so advanced by the County Commissioners shall be paid by such county out of its general fund, and charged as taxes against each parcel of land owned by such applicant or against the personal property owned by applicant.

Per diem to be paid appointed exterminator.

Verified statement of time put in and materials used on each tract of land.

Limit of amount charged against land in any one year.

Paid out of general fund.

Charged as taxes.

Notice to owner of charges.

Section 3. COMPENSATION, STATEMENT AND VOUCHER TO BE CHARGED AGAINST SAID LAND AS TAXES, AFTER DUE NOICE.—Any person so appointed under the provisions of this article shall receive as compensation the sum of not less than two dollars and fifty cents, or more than four dollars per day for eight hours' labor performed in poisoning and exterminating gophers exclusive of time going to and returning from work. Such person shall make a sworn statement to the county of the time put in and the poison and grain used on each tract of land, provided that the maximum charge against any parcel of land containing twenty acres or more shall not be greater in any one year than at the rate of twelve dollars per one hundred and sixty acres, and the minimum charge shall not be less than one dollar against any parcel of land, which amount shall be paid by such county out of its general fund and charged as taxes against each parcel of land on which the expenses were incurred. Provided, further, that before the county commissioners shall charge such amount to the taxes of such person or corporation, they shall give such person or corporation at least twenty days' notice by mail, of the time when and the place at which such amount will be charged against them, and such person or corporation shall have the right to appear and show cause why such amount shall not be charged against their taxes. Provided, further,

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that if such person or corporation shall feel aggrieved by the decision of the county commissioners, such person or corporation may appeal to the district court, and such appeal shall be perfected and prosecuted in the same manner as appeal in justice courts and the county clerk shall enter such amounts upon the tax roll of the county against the land on which such work has been done, and expenses incurred, and the county treasurer of such county shall collect such amounts the same as taxes, and place the same to the credit of the respective counties from which collected.

Appeal from decision of county commissioners.

Duty of county clerk.

County treasurer to collect amount as taxes.

Section 4. COUNTY COMMISSIONERS CREATE GOPHER EXTERMINATION FUND. The board of county commissioners of any county in this State may create a gopher extermination fund, either by appropriating money from the general fund of the county, or at any time fixed by law for levy and assessment of taxes, levy a tax not exceeding one mill on the dollar of assessed valuation upon all horticultural, farming, and grazing lands in such county, the proceeds of which shall be used solely for the purpose of promoting the destruction of gophers in said county; the fund provided to be raised in accordance with this section shall be denominated the "gopher destruction fund," and shall be kept separate and distinct by the county treasurer, and shall be expended by the board of county commissioners at such time, and in such manner, as is by said board deemed best to secure the abatement and extermination of the gopher pest.

Gopher exterminating fund.

Tax of one mill on dollar may be levied.

"Gopher Destruction Fund" to be kept and used, how.

Section 5. The Board of County Commissioners of any County may, from time to time, purchase such quantities and amounts of poison as the board may deem proper, and may furnish such poison to any person or persons appointed in accordance with the provisions of Section 1 of this Act to exterminate gophers, and may also furnish such poison to other persons desiring to use the same for the extermination of gophers, at the actual cost thereof. Provided, however, that the cost of such poison shall be paid out of the "gopher destruction fund," and all moneys received from the sale thereof shall be paid into such fund.

County commissioners may purchase poison and furnish same to whom at actual cost.

Section 6. GOPHERS DEFINED. The word "gopher" as used in this Act shall include striped gopher, flicker-tail gopher, pocket gopher, Columbian ground-squirrel and prairie-dogs.

"Gopher" shall include what animals.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

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Section 8. All Acts and parts of Acts in conflict herewith are hereby declared repealed.

Approved March 7, 1919.

CHAPTER 154.

"An Act to amend Section 1 of Chapter 40 of the Laws of the Fourteenth Legislative Assembly, entitled 'An Act to amend Section 1 of Chapter 81 of the Laws of the Twelfth Legislative Assembly, entitled 'An Act Prescribing the Salary of Certain Appointive and Deputy State Officers Clerks, Stenographers and Employes at the State Capitol.' ' "

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 1 of Chapter 40 of the Laws of the Fourteenth Legislative Assembly be, and the same is hereby amended, as to the officers hereinafter named, so as to read as follows:

Salaries in offices of State Auditor and State Treasurer.

"Section 1. The annual compensation allowed to the following named appointive and deputy state officers and clerks at the State Capitol is as follows:

Deputy State Auditor and
Deputy State Treasurer, ...$2,400.00
Chief Clerk of State Auditor and
Chief Clerk of State Treasurer 2,100.00

Salary of Adjutant General.

Adjutant General ..... 3,000.00"

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 155.

"An Act Regulating Bread Weights and Prohibiting the Manufacture or Sale of Loaves of Bread or any Part Thereof, Except of Certain Standard Weights, and Prohibiting Accepting Returns of Bread Sold, nor Al-

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lowing any Credit or Exchange or Cash Payment for the Same Except as Herein Provided."

Be it enacted by the Legislative Assembly of the State of Montana:

Weights for sale of bread prescribed.

Section 1. From and after the passage of this Act it shall be unlawful for any person or persons, association, co-partnership or corporation to manufacture for retail or wholesale trade, or to sell bread unless the same shall be of the following weights, which shall be net weights eight hours after baking; One pound, one and one-half pounds, two pounds, three pounds, four pounds, five pounds, six pounds or other multiple pound weights; variation at the rate of one ounce per pound over and one ounce per pound under the above specified unit weights are to be permitted in individual loaves, but the average weight of not less than twenty-five loaves of any one unit of any one kind shall be not less than the weight prescribed for such unit and if twin or multiple loaves are wrapped at the place where baked or sold to the consumer wrapped and undivided, the loaf must conform to the above weight requirements, and if the twin or multiple loaf is unwrapped or divided before being sold to the consumer, each unit of the loaf must conform to the above weight requirements. Provided that this Act shall not apply to persons, firms or corporations who do not hold themselves out to the public and engaging in a general and established business of manufacturing or selling bread and bread products.

What variation in weight permitted.

Weight requirements for twin or multiple loaves.

To whom Act to apply.

Section 2. In construing provisions of Section 1 the following definitions shall be had:

Definition of twin or multiple loaf.

A twin or multiple loaf is one that is made of two or more portions or dough baked in one pan; single units weighing less than one pound must not be baked; a manufacturer or seller of loaves of the weights prescribed may cut and sell a portion of a loaf to a consumer; bread may be sold at any time after baking and it shall not be required that bread shall remain unwrapped for any specified length of time after baking.

Conditions under which bread may be sold.

Return or repurchase of bread prohibited.

Section 3. It shall be unlawful for any person or persons, association, co-partnership or corporation engaged in the manufacture for sale, or the sale of bread, to directly or indirectly accept return of bread theretofore sold, nor repurchase the same, nor allow credit to any one for the same; nor shall any bread previously sold be exchanged for other bread.

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Penalty for violation of Act.

Section 4. Any such manufacturer or seller violating any of the provisions herein contained shall be liable to a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) for each and every offense, and each separate sale or violation of any of the provisions of this Act shall constitute a separate offense.

Repealing clause.

Section 5. All laws and parts of laws contrary to and in conflict with the provisions of this Act are hereby repealed.

Section 6. This Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 156.

"An Act to Authorize Cities and Towns to Take Over, Operate and Control Special Improvement Districts Created under the Provisions of Chapter 123, Laws of the Fourteenth Legislative Assembly, and Providing for the Levy of a Tax to Pay the Expense of Maintenance and Control Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Rural improvement district becoming included within the limits of city or town.

Section 1. That when a special improvement district has been created in accordance with the provisions of Chapter 123, Laws of the Fourteenth Legislative Assembly, in any county of the State, and the property contained therein shall have become a part of or included within the boundaries of an incorporated city or town, such city or town is authorized and empowered to take over, operate and control the same and the Board of County Commissioners shall have the right and authority to transfer the operation, control and management thereof to such city or town upon such terms and conditions as may be agreed upon.

City or town authorized to take over and operate the district.

City authorized to levy special taxes.

Section 2. That such city or town is authorized to levy and collect a special tax for the purpose of raising funds to pay the expense of maintenance, operation and control of such Improvement District.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

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CHAPTER 157.

"An Act Providing for the Appointment of a State Board of Health and Repealing Sections 1474 and 1478 of the Revised Codes of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Health of Montana created.

Section I. There is hereby created and established a Board to be known under the name and style of the "State Board of Health of Montana," said Board shall be composed of five members, all of whom shall be experienced physicians, legally authorized to practice medicine and surgery in the State of Montana, to be appointed by the Governor from a list of not less than ten names submitted therefor by the Montana Medical Association.

Members to all be physicians.

Governor to appoint, whom.

Governor shall appoint within what time.

Section II. The Governor shall within thirty days after the passage and approval of this Act appoint five members who shall possess the qualifications specified in Section I, to constitute the members of said board. Said members shall be so classified by the Governor that the term of office of one shall expire in one year, one in two years, one in three years, one in four years, and one in five years. Annually thereafter the Governor shall appoint one member who shall possess the qualifications specified in Section I, from a list of not less than five names submitted by the Montana Medical Association, to serve for a period of five years. That all vacancies in said board caused by death or otherwise shall be filled by appointment by the Governor from a list of not less than five names submitted by said Montana Medical Association.

Terms of office.

One member to be appointed annually.

Vacancies to be filled from whom.

First meeting to be held, when.

Secretary, election and qualifications.

Salary of secretary.

Section III. At the first meeting of the State Board of Health, or as soon thereafter as a suitable and competent person can be secured, the Board shall elect a secretary, who shall be an educated physician, experienced in sanitary science and qualified to practice medicine in the State of Montana, who by virtue of such election shall be the executive officer and the State Health officer. The Secretary so elected shall receive in monthly payments an annual salary of Five Thousand Dollars ($5,000.00) to be paid out of the General Fund of the State. The Board may elect one of its own number Secretary, in which case, the Governor shall appoint

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another member to complete the full number of the said Board.

Laws repealed.

Section IV. That Sections 1474 and 1478 of the Revised Codes are hereby repealed.

Section V. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section VI. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 158.

"An Act to Amend Section 2109 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, As Amended by Chapter 167 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Relating to the Submission to Electors of the Question of Bond Issue for County High School Purposes; and Providing for the Discontinuance of District High Schools in Certain Cases."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 2109 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana as amended by Chapter 167 of the Session Laws of the Fifteenth Legislative Assembly, be and the same is hereby amended so as to read as follows:

Secretary of board of county high school shall certify question of bond issue for erection of buildings, etc., when.

"Section 2109. Submission to Electors of Question of Bond Issue. The Secretary of the Board of County High School Trustees, whenever a majority of the Board shall so decide, shall certify to the Board of County Commissioners that they have decided to submit to the Electors of the County, the Question whether the County Bonds shall be issued for the purpose of the erection or purchase of a building or buildings for high school purposes and the equipment thereof, or for the erection and equipment of a dormitory or dormitories, or gymnasium, and for a suitable site or sites therefor, and shall include in such certificates the amount of such bonds which amount shall not exceed the sum of Four Hundred Thousand Dollars ($400,000.00), in any one county of the First Class, and Three Hundred Thousand Dollars ($300,000.00), in any one county of the Second or Third

Amount of bonds shall not exceed what sum.

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Class, and in all other Counties shall not exceed the sum of Two Hundred Thousand Dollars ($200,000.00) in any one County. Such Bonds may run for a term of twenty (20) years or less, but no longer; Provided, that any such issue of bonds shall not increase the indebtedness of any County beyond the maximum limit fixed by the State Constitution.

Term of bonds.

Constitutional limit to be observed.

That as soon as practicable after receiving such Certificate the board of County Commissioners shall fix the term for which said Bonds are to run, and the rate of interest they shall bear; and shall proceed to submit the question of issuing such Bonds to the qualified Electors of the County in the manner provided by Law for the issuance of other County Bonds. If such bonds are issued, the Board of County Commissioners, at the time of making the levy of taxes for County purposes each year, shall levy a tax for that year upon the taxable property in the County for the Interest and redemption of said Bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year, and such proportion of the principal as is to become due during the year, and in any event must be high enough to raise annually, for the first half of the term, a sufficient sum to pay the Interest thereon, and during the remainder of the term, high enough to pay said annual interest and to pay annually, a portion of the principal of said Bonds equal to the quotient produced by taking the whole amount of said Bonds outstanding, and dividing it by the number of years said bonds have yet to run; and all moneys so levied, when collected, must be paid into the County Treasury to the credit of the County High School and kept in a separate fund, and used for the payment of the principal and interest on said Bonds, and for no other purpose; provided, however, that the accumulated money may be invested as is provided for the investment of money collected for the payment of School District Bonds. Said tax shall be levied and collected as other County Taxes.

County commissioners shall proceed to submit question of bond issue.

Bond tax levy shall be made, when.

Taxes must be sufficient for what purposes.

Tax money collected must be paid into what fund, and used for what purpose.

Investment of accumulated funds.

Levy and collection of tax

In any County wherein there are now maintained one or more District High Schools, in which a County High School has been created, or may hereafter be created, the Trustees, of any such School District, may, by resolution duly passed at a regular or special meeting of such Board of Trustees, discontinue such District High School, to take effect upon the establishment of the County High School; and in case such County High School is located, as provided in this Chapter, within any School

Discontinuance of district high schools, how and when effected.

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District maintaining a District High School, it shall be the duty of the Board of Trustees of such School District to discontinue the District High School."

Repealing clause.

Section 2. Section 2109 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, and all of Chapter 167 of the Session Laws of the Fifteeenth Legislative Asembly of the State of Montana, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 159.

"An Act to Provide for the Support of the Government of the State of Montana for the Years 1919 and 1920."

Be it enacted by the Legislative Assembly of the State of Montana:

Tax levy for state purposes for 1919.

Sestion 1. There is hereby levied for state purposes upon all the property in the State liable to taxation for the year 1919 an ad valorem tax of two and one-half (2½) mills on each dollar of the valuation of all such property.

Tax levy for state purposes ror 1920.

Section 2. There is hereby levied for state purposes upon all the property in the State liable to taxation for the year 1920 an ad valorem tax of two and one-half (2½) mills on each dollar of the valuation of all such property.

Tax levy for 1919 to pay interest and create sinking fund for redemption of bonds.

Section 3. There is hereby levied upon all the property in the state liable to taxation for the year 1919 an ad valorem tax of one-fourth (¼) mill on each dollar of the valuation of all such property for the purposes of paying the interest on, and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 144 of the Session Laws of the Twelfth Legislative Assembly.

Tax levy for 1920 for same purpose.

Section 4. There is hereby levied upon all the property in the state liable to taxation for the year 1920 an ad valorem tax of one-fourth (¼) mill on each dollar of the valuation of all such property for the purposes of paying the interest on, and to constitute a sinking fund for the redemption of the bonds issued by the State of

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Montana pursuant to the provisions of Chapter 144 of the Session Laws of the Twelfth Legislative Assembly.

Tax levy for 1919 for additional purpose.

Section 5. There is hereby levied upon all the property in the state liable to taxation for the year 1919 an ad valorem tax of one-twentieth (1/20) of a mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 105 of the Session Laws of the Fourteenth Legislative Assembly.

Tax levy for 1920 for additional purpose.

Section 6. There is hereby levied upon all the property in the state liable to taxation for the year 1920 an ad valorem tax of one-twentieth (1/20) of a mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 105 of the Session Laws of the Fourteenth Legislative Assembly.

Tax levy for 1919 for purpose specified.

Section 7. There is hereby levied upon all the property in the state liable to taxation for the year 1919 an ad valorem tax of one-eighth (1/8) mill on each dollar of the valuation of all such property for the purposes of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 21 of the Session Laws of the Extraordinary Session of the Fourteenth Legislative Assembly.

Tax levy for 1920 for purpose specified.

Section 8. There is hereby levied upon all the property in the state liable to taxation for the year 1920 an ad valorem tax of one-eighth (1/8) mill on each dollar of the valuation of all such property for the purposes of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 21 of the Session Laws of the Extraordinary Session of the Fourteenth Legislative Assembly.

Repealing clause.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

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CHAPTER 160.

"An Act to Provide for an Increased Levy Upon the Taxable Property in the County for the Construction of Highways and Bridges and Providing for the Submission of Such Proposed Increased Levy to a Vote of the Electors of the County."

Be it enacted by the Legislative Assembly of the State of Montana:

Increased tax levy for road and bridge construction.

Section 1. The Board of County Commissioners may, in their discretion, for the purpose of constructing roads and bridges, make an increased levy upon the taxable property of the county of ten (10) mills or less; provided,

Expenditure of funds.

that such portion of the funds derived under the provision of this Act that are expended on State and main highways shall be expended under plans approved by the State Highway Commission.

Submission of question to vote of electors.

Section 2. Before such increased levy shall be made, the question shall be submitted to a vote of the people at some general or special election and shall be submitted in the following form, inserting the number of mills proposed to be levied:

Form of submitting question.

"Shall there be an increased levy of.....mills upon the taxable property of the County of .....,
State of Montana, for the purpose of constructing roads and bridges.

☐	Yes.
☐	No."

Majority vote required.

Section 3. A majority of the votes cast shall be necessary to adopt such measure.

Collection of tax.

Section 4. Such levy shall be collected in the same manner as other road taxes are collected.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

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CHAPTER 161.

"An Act Establishing the Montana State Bureau of Mines and Metallurgy; Providing for Its Organization and Management, and Appropriating Money for Maintenance Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Montana State Bureau of Mines and Metallurgy established.

Section 1. There is hereby established in the Montana State School of Mines a department to be known as the Montana State Bureau of Mines and Metallurgy, which shall be under the direction of the State Board of Education.

Duty of State Board of Education to appoint one engineer and assistants and fix compensation.

Section 2. The State Board of Education shall have power and it shall be its duty to appoint a qualified mining engineer as the director of the said bureau, and to appoint such assistants and employes as may be necessary, and to fix the compensation of all persons connected with the said bureau.

Objects and duties of bureau.

Section 3. The bureau shall have for its object and duties the following:

1. To collect, to compile, and to publish statistics relative to Montana geology, mining, milling and metallurgy.

2. To collect typical geological and mineral specimens and samples of products; to collect photographs, models, and drawings of appliances used in the mines, mills, and smelters of Montana.

3. To collect a library and a bibliography of literature pertaining to or useful for the progress of geology, mining, milling and smelting in Montana.

4. To study the geological formations of the state with special reference to their economic mineral resources, both metallic and non-metallic.

5. To examine the topography and physical features of the state with reference to their practical bearing upon the occupation of the people.

6. To study the mining, milling, and smelting operations carried on in the state, with special reference to their improvement.

7. To prepare and to publish bulletins and reports, with necessary illustrations and maps, which shall embrace both a general and a detailed description of the natural resources and geology, mines, mills and reduction plants of the state.

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8. To make qualitative examinations of rocks and mineral samples.

9. To consider such other scientific and economic problems as in the judgment of the State Board of Education are of value to the people of the state.

10. To communicate special information on Montana geology, mining, and metallurgy.

Bureau shall co-operate with whom.

11. To co-operate with the other departments of the University of Montana, with the state Mine Inspector, and with other departments of the state government as may be mutually beneficial; and to co-operate with the United States Geological Survey and with the United States Bureau of Mines, in accordance with the regulations of those institutions.

Reports to Legislature of progress and condition of bureau.

Section 4. The State Board of Education shall cause to be prepared a report to the Legislative Assembly before each regular session thereof, showing the progress and condition of the bureau, together with such other information as may be deemed necessary or as the Legislative Assembly may require.

Printing and distribution of reports.

Section 5. The regular and special reports of the bureau, with proper illustrations and maps, shall be printed and distributed as the State Board of Education may direct, and as the interests of the state and of science and industry may demand.

Disposition of mineral specimens.

Section 6. All materials collected, after having served the purposes of the bureau, shall be deposited either in the state museums or in the collections of the State School of Mines, and duplicates of representative material shall be distributed to the various educational institutions of the state in such a manner as to be of the greatest advantage to the educational interests of the state.

Oath of office of director and assistants.

Section 7. The director of the bureau and his assistants shall take an oath to perform all the services required of them under this Act and to guard carefully all confidential infomation accumulated in the progress of their work; to refrain from any pecuniary speculation or remunerative private work based upon any knowledge of a commercial or economic nature acquired in the pursuit of their duties until said knowledge or information shall have been fully published and submitted to the people of the state; and to turn in to the bureau as state property all correspondence, notes, illustrations, and data of any kind accumulated by them in performing the work of the bureau.

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Appropriation.

Section 8. To carry out the provisions of this Act there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars for the year ending February 29, 1920, and the sum of ten thousand dollars for the year ending February 28, 1921.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 162.

"An Act Providing for the Free Education of Inmates of the State Orphan's Home and Defining the Powers of the Executive Board of Said Home in Connection With Such Education."

Be it enacted by the Legislative Assembly of the State of Montana:

Providing for free education of orphans, foundlings and destitute children admitted to Orphans' Home.

Section 1. That the local executive board of the Montana State Orphan's Home is hereby authorized in its discretion to provide free education at the expense of the State Orphan's Home for any orphan, foundling or destitute child who now is or may hereafter be admitted to said Orphan's Home, subject however, to the terms of this Act.

Inmates of home who are entitled to receive a 4-year course in some State University school, free.

Section 2. Any inmate of the Montana State Orphan's Home who, while in said home, shall have completed the course of study there given, and shall have shown evidence of studious and industrious habits, shall be entitled upon recommendation of the local executive board of said Orphan's Home to receive free education at the expense of the state for a period of four years at either the University of Montana, The Montana State Normal College, the Agricultural College of Montana, or the Montana School of Mines, and shall likewise be entitled to receive at the expense of the state the necessary high school or other training if any be needed, to enable such student to enter any of the Institutions of higher learning herein mentioned.

Also in high school.

Orphans' Home to bear expense of education.

Section 3. The State Orphan's Home of the State of Montana shall bear the expense of the education herein provided for, and all bills for the same shall be presented and paid in the same manner as are other expenses incurred by said State Orphan's Home. The expense which

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said Orphan's Home shall pay for each student shall consist of the actual necessary cost of transportation, board and room, clothing, books, stationary and tuition, and shall not exceed in all the sum of four hundred ($400.00) dollars per year for each student.

Expenses enumerated limited.

Section 4. It shall be the duty of the local executive board of the State Orphan's Home to keep a record of the habits and scholarship of all inmates of the State Orphan's Home, and said board shall annually, on or before the first day of August of each year, certify to the State Board of Education the names of all inmates of said Home designated by said local executive board as eligible to the free education provided for in this Act. Said local executive board shall fairly and impartially select from said State Orphan's Home all the inmates thereof who shall have proved themselves eligible to the free education provided for by this Act, and such persons when so selected and designated by said local executive board, shall be entitle to the free education provided for in this Act.

Duty of Orphans' Home to keep records of habits and scholarship of inmates and report to whom.

Shall select students for higher education.

Section 5. The local executive board of the State Orphan's Home shall designate the particular educational institution to which each student shall be sent, including the designation of the high school or other preparatory institution in which said student shall receive the necessary preliminary training; provided, however, that in all cases the inmate of the Orphan's Home must first complete the course of study there given, and must, so far as is possible, fit himself while at said Home for entrance to said higher educational institution.

Executive Board to designate institution inmate shall attend.

What required for such inmate.

Section 6. Any inmate of the State Orphan's Home while attending high school, college or any other institution provided for in this Act, shall remain subject to the control of the executive board of the State Orphan's Home, and said board shall have the authority to discontinue the free education of any student whenever, in the judgment of said executive board, the character, habits or scholarship of said student are such that said student no longer merits the benefits of this Act.

Inmate attending other educational institution to remain subject to control of Orphans' Home.

When course of such education may be withdrawn.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect upon its passage and approval.

Approved March 7, 1919.

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CHAPTER 163.

"An Act to Amend Chapter 64 of the Laws of the Thirtenth Session of the Legislative Assembly of Montana Being an Act Amending Section 2082 of the Revised Codes of Montana of 1907, Relating to Legal Fences."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 64 of the Session Laws of the Thirteenth Legislative Assembly of Montana, be and the same is hereby amended to read as follows: Law amended.

"Section 1. That Section 2082 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Section 2082. Legal Fences Defined. Any one of the following, if not less than 44 inches or more than 48 inches in height, shall be a legal fence in the State of Montana. Legal fences defined.

1. All fences constructed of at least three barbed, horizontal, well stretched wires, the lowest of which must not be less than 15 inches nor more than 18 inches from the ground, securely fastened as nearly equidistant as possible to substantial posts, firmly set in the ground, or to well supported leaning posts, not exceeding twenty feet apart, or thirty-three feet apart where two or more stays or pickets are used equidistant between posts; provided that all corral fences which are used exclusively for the purpose of enclosing stacks which are situated outside of any lawful enclosure shall not be less than sixteen feet from such stack so enclosed, and shall be substantially built with posts not more than eight feet distant from each other and not less than five strands of well stretched barb wire, and shall not be less than five nor more than six feet high; provided further that any kind of a fence equally as effectual for the purpose of a corral fence may be made in lieu thereof. How constructed. Corral fences for enclosing stacks, how constructed.

2. All fences constructed of any standard woven wire not less than twenty-eight inches in height securely fastened to substantial posts not more than thirty feet apart shall be a legal fence, provided that two equidistant barbed wires shall be placed above the same at a height of not less than forty-eight inches from the ground. Wire fences.

3. All other fences made of barbed wire which shall be as strong and as well calculated to protect enclosures as those above described shall be considered legal fences. Other wire fences.

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Fences of boards, rails or poles.

4. All fences consisting of four boards, rails, or poles with standing or leaning posts not over seventeen feet and six inches apart, Provided that if leaning posts are used, there shall be a pole or wire fastened securely on the inside of the leg or support of such leaning post.

Natural barriers.

5. All rivers, hedges, mountain ridges and bluffs or other barrier over or through which it is impossible for stock to pass."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 164.

"An Act Providing for the Delivery of All Intoxicating Liquors Confiscated Under the Prohibition Laws to State and County Boards of Health Under Certain Limitations.

Be it enacted by the Legislative Assembly of the State of Montana:

Confiscated liquors may be delivered to county board of health, when.

Section 1. Whenever any intoxicating liquors, as defined by Section 2, of Chapter 143, of the 15th Legislative Assembly of the State of Montana, by Session Laws of 1917, are confiscated and judgment rendered for the forfeiture and destruction of the same, under any of the laws of this state enacted for the purpose of suppression of the liquor traffic, commonly called Prohibition laws, the Court or judge may, in his discretion, enter a judgment and order that such intoxicating liquors be delivered by the officer having the custody of the same to the County Board of Health of the county where such liquors were found.

Receipt for liquors, duty of county board of health to furnish.

Section 2. Whenever delivery is made of liquors to the County Board of Health as provided in Section one of this Act, it shall be the duty of the County Board of Health to furnish to the officer delivering the same, a receipt for all such liquors so received, and a duplicate thereof shall be filed with the Clerk of the Court in the proceedings in which the liquor was confiscated, and with the State Board of Health. Such receipt to specify the exact character and quantity of the liquor so received.

What receipt shall contain.

To be used for medicinal purposes.

Section 3. All intoxicating liquors so received by County Boards of Health under the provisions of this

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Act shall be held and kept solely for medicinal purposes and be issued by the County Board of Health upon their approval and the approval of the State Board of Health for such uses.

Excess quantities of liquor, disposition of.

Section 4. Each County Board of Health shall transmit to the State Board of Health all such intoxicating liquors so confiscated as may be in excess of the prospective uses of the county in which the same were seized. The State Board of Health shall have the privilege of applying to the District Court of the particular county in which any liquors shall be confiscated for an order for the destruction of the same.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 165.

"An Act Authorizing and Empowering the State Board of Equalization to Employ Experts, Assistants, Clerks and Stenographers in Order to Perform the Duties Imposed on Such Board by Law in Connection With the Classification, Taxation and Equalization of Property for Taxation and the Enforcement of the Laws of This State Relative to Taxes and Licenses, and Making Appropriations Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of equalization empowered to employ clerks and other assistants.

Section 1. That the State Board of Equalization shall have authority and power to employ and appoint such experts, assistants, clerks and stenographers as may be necessary in order to enable such board to perform the duties imposed on such board by law in connection with the classification, taxation and equalization of property for taxation and the enforcement of the laws of this State with reference to taxes and licenses; provided, however, that the total expenses for such experts, assistants, clerks and stenographers shall not exceed the sum of fifteen thousand dollars per annum.

Limit to amount to be so expended.

Appropriation for first fiscal year.

Section 2. That the sum of fifteen thousand dollars ($15,00.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money

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in the State Treasury not otherwise appropriated for the fiscal year beginning March 1st, 1919, and ending February 29th, 1920, for the payment of salaries and compensation of experts, assistants, clerks and stenographers employed and appointed by the State Board of Equalization under the provisions of Section 1 of this Act.

Appropriation for second fiscal year.

Section 3. That the sum of fifteen thousand dollars ($15,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise approprited for the fiscal year beginning March 1st, 1920, and ending February 28th, 1921, for the payment of salaries and compensation of experts, assistants, clerks and stenographers employed and appointed by the State Board of Equalization under the provisions of Section 1 of this Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 166.

"An Act to Create the Nineteenth Judicial District of the State of Montana, to Be Composed of the Counties of Teton, Glacier, Pondera and Toole, and to Change the Boundaries of the Eighth Judicial District of the State of Montana to Conform Thereto, and to Provide for the Appointment, Powers. Duties, Term and Compensation of the Judge of Said Nineteenth Judicial District."

Be it enacted by the Legislative Assembly of the State of Montana:

Nineteenth Judicial District created.

Section 1. That there is hereby created a new Judicial District of the Statee of Montana, to be known as the Nineteenth Judicial District, and the same shall embrace and comprise the territory within the counties of Teton, Glacier, Pondera and Toole, within the State of Montana, which, from and after the passage of this Act, shall constitute the Nineteenth Judicial District of the State of Montana.

Territory of Eighth Judicial District.

Section 2. That the Eighth Judicial District of the State of Montana shall hereafter embrace the territory within the County of Cascade.

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Section 3. That within thirty days after the passage and approval of this Act, the Governor of the State shall appoint some suitable and qualified person Judge of the Nineteenth Judicial District. Appointment of judge.

Section 4. That the powers, duties, compensation, and term of office of the Judge of the Nineteenth Judicial District shall be the same as those provided by law and the Constitution of the State of Montana for District Judges. Jurisdiction and compensation of judge.

Section 5. The provisions of this Act shall not work the removal of any clerk of the District Court of either Teton, Glacier, Pondera, or Toole County, nor affect their salaries. Clerks of courts not affected.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 7. This Act shall be in effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 167.

"An Act to Amend Chapter 74 of the Session Laws of the Fifteenth Legislative Assembly of Montana, 'An Act to Create Herd Districts, and Prevent Livestock From Running at Large in Established Herd Districts, and to Provide for the Fixing and Collection of Damages From Stock Trespassing Within the Boundaries of Such Districts, and Validating Certain Proceedings Taken Respecting Herd Districts.' "

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That Chapter 74 of the Session Laws of the Fifteenth Legislative assembly of Montana be amended so as to read as follows: Law amended.

SECTION 2. Herd Districts may be created in any county in the State of Montana to contain fifty-four square miles or more, lying not less than three miles in width, outside of the incorporated cities, upon petition of owners or possessors of fifty-five per cent of the land in such district, and providing twenty-five per cent or more of the land in such district is in actual cultivation, and such petition shall designate the months of the year when herd district is effective, and upon presentation and filing of such petition properly signed giving outside Herd districts may be created, when and where. Location and size. Number of signers to petition. Petition shall designate months.

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County commissioners to set date of hearing, when.

boundaries and description of proposed district and the postoffice address of the signers thereto, with the Clerk and Recorder in the county in which the said district is being created, the County Commissioners of such county, upon receipt therefor, shall set a date for hearing protests, and verifying the signatures thereto, and shall give

Notice.

not less than twenty days' notice of the same by three publications in a newspaper of general circulation in the county of the proposed district, and should it appear to such county commissioners after such hearing, that the

Shall declare district created, when.

signatures attached to such petition were genuine, they shall immediately declare such herd district created and established; after which the County Commissioners must

Publication of notice of creation of district, etc.

give notice by four weekly publications in some newspaper nearest the district of the creation of such districts, also stating period such districts will be in effect and

District may be abolished, how.

such district shall not be in effect until thirty days have expired after the order, provided that such herd districts may be abolished at any time upon proceedings as hereinbefore set forth for the establishment of such herd districts.

Proceedings to include adjacent lands.

Upon petition of any owner or possessor of lands lying contiguous and adjoining any herd district theretofore created, and upon like hearing and notice any provision as hereinabove provided for, such lands shall be included in said Herd District and become a part thereof.

When lessees sign owners may protest.

Should the Signature of Lessee appear on the petition creating or abolishing any herd district, the owner or owners of said land may appear either in person or agent and enter their protest. And the Board of County Commissioners shall remove the name of Lessee from said Petition, and no person shall be permitted to withdraw his name after the hour set for hearing same.

Animals prohibited from running at large in district.

SECTION 3. All horses, mules, cattle, sheep and goats are hereby prohibited from running at large within herd districts as defined in Section 2 of this Act, or as defined in Section 5 of this Act, except as may be provided in said petition.

Liability of owners of trespassing animals in district.

SECTION 4. If any such animal or animals wrongfully enter upon premises within such district of any person, the owner or person in control of such animal or animals, shall be liable for all damages sustained thereby, to the

Occupant of land may take up trespassing animals.

party entitled thereto. The owner or occupant of the land upon which such wrongful entry is made, may take into his possession such animal or animals and shall reasonably care for the same while in his possession, and may retain possession of said animal or animals, and shall

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have a lien and claim thereon as security for payment of such damages and the reasonable charges for the care of said animal or animals, while in his possession. If the owner of said stock, or the person entitled to the possession thereof can be found or is known to the person taking up said stock, it shall be his duty to notify said owner, owners or persons in charge thereof in person within forty-eight hours after taking possession thereof by leaving a written notice at his usual place of residence with some member of his family over the age of fourteen (14) years, describing said stock and stating the amount of damages claimed and requiring him within forty-eight (48) hours after receiving said notice to take the said property away, after making full payment of all damages and costs of trespassing animals. Upon demand, the owner or occupant of the land shall release and deliver possession of such stock to the owner or person entitled thereto, upon payment of such damages and charges, and if the parties cannot agree upon the amount of such damage and charges, the owner or person entitled to said stock shall issue a receipt to the owner or occupant of the land having possession of such stock, which receipt shall fully describe the animal or animals so that they may be at any time identified, and shall thereupon be entitled to the possession of such stock.

Possession and lien.

Notice to owner to be given, when and how.

Contents of notice.

Duty to surrender animal, when.

Receipt for animals to be given, when.

The owner or person so receiving possession of said stock shall not dispose of the same, but shall retain and hold the same in his possession as the agent and legal custodian thereof, for the party entitled to such damages and charges. The party entitled to such damages or charges shall within ten days after delivery of possession of such stock, commence an action in any court having jurisdiction, to recover such damages and charges, and summons in such action shall be immediately served. At any time after such action is commenced, the owner or person entitled to said stock to whom delivery of possession was made, may furnish and file a bond conditioned to pay the damages and charges, and upon the approval of said bond by the Justice of the Peace, if such action is commenced in a justice court or by the judge or clerk, if the action is commenced in the district court, the lien and claim upon said stock shall thereupon be discharged.

Owner to hold animals pending settlement as agent only.

Action for damages to be commenced, when.

Bond and discharge of lien.

If the owner or person entitled to said stock does not furnish such bond within ten days after the notice of the commencement of said action, an order may be issued in such action, authorizing and directing the constable or sheriff to take possession and hold such stock to satisfy

When order may issue for the seizure of stock after suit commenced.

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any judgment that may be recovered in such action, and such stock when so taken possession of, by the officer shall be held, treated and sold the same as though seized under a writ of attachment.

Cash bond may be deposited.

The owner or person entitled to said stock may, in lieu of furnishing a bond, deposit an amount of money sufficient to pay any judgment which may be recovered in such action, the amount to be determined by the justice or judge of the court.

Penalty for disposing of or preventing officer from seizing stock.

A misdemeanor.

If the owner or person entitled to said stock, after delivery of possesison to him, without payment of damages and charges, as herein provided, shall sell or dispose of said stock, or shall permit the same to be taken from his possession, or shall in any manner prevent the seizure of same, by the constable or sheriff, as herein provided, before the lien thereon is discharged, he shall be guilty of a misdemeanor, and in addition thereto, shall be liable to the party entitled to such damages and charges in double the value of such stock. At the time of delivery of the possesison of such stock to the owner or person entitled thereto, a written statement of the amount of damages and charges shall be furnished to the owner entitled to such stock by the person claiming such damages and charges.

Statement of damages and charges to be delivered to owner.

Posting notice of taking up stock.

If the owner or claimant of such stock is not known to the person taking up such stock, he shall give notice thereof within forty-eight hours by posting a notice at the nearest post office and notifying the stock inspector of the district, which notice shall contain the number of animals, the brand and description thereof, together with the date of trespass.

Stock may be sold, when.

Disposition of proceeds of sale.

When the ownership of such stock cannot be determined as provided by section 34 of the Session Laws of the Fourteenth Legislative Assembly, said stock may be sold as provided therein, and from the proceeds thereof damages and costs shall be paid in the manner herein provided, with the stock inspector acting as agent of the owner.

Certain districts heretofore organized validated.

SECTION 5. All herd districts heretofore formed or attempted to have been formed under Section 1, Chapter 74 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, where the proceedings taken have complied with the requirements of Section 2 herein, shall be and are hereby declared to have been properly formed and valid, and said proceedings are hereby expressly validated, and such districts shall constitute

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herd districts, and subject to all the provisions of this Act, and of law affecting said districts.

Misdemeanor to rescue impounded animals.

SECTION 6. Any person who takes or rescues any animal impounded as provided in Section 4 from the possession of the person in whose custody the same may be without his consent, shall be guilty of a misdemeanor, and upon conviction therefor be subject to a fine of not more than One Hundred Dollars, or shall be confined in the county jail not more than sixty days, or both such fine and imprisonment.

Penalty.

Persons not owners of animals introducing same into a herd district guilty of a misdemeanor.

SECTION 7. Any person or persons not the owner or person in charge of any livestock, who shall drive, put, place or introduce any livestock into any herd district established under the provisions of the Act, or who shall so place, move or interfere with such livestock that they will trespass on such herd district, shall be guilty of a misdemeanor, and upon conviction thereof, be subject to a fine of not less than fifty dollars, or shall be confined in the county jail not less than sixty days, or both such fine and imprisonment, and shall be liable for all damages and costs occurring from such tresspass; and for the purposes of this Act each separate animal so moved, placed or interfered with, shall constitute a separate offense.

Penalty.

SECTION 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 168.

An Act to Create the Twentieth Judicial District of the State of Montana to Be Composed of the Counties of Sheridan and Roosevelt and to Provide and Designate the Powers, Duties, Term and Compensation of the Judge of the Said Twentieth Judicial District and to Provide That the Seventeenth Judicial District of the State of Montana Shall Hereafter Embrace the Territory Within the Counties of Valley and Phillips.

Be it enacted by the Legislative Assembly of the State of Montana:

Twentieth judicial district created.

Section 1. That there is hereby created a new Judicial District of the State of Montana, to be known as the Twentieth Judicial District of the State of Montana, and that the same shall embrace and comprise the ter-

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ritory within the Counties of Sheridan and Roosevelt within the State of Montana, which after the passage of this Act shall constitute the Twentieth Judicial District of the State of Montana.

Territory of seventeenth judicial district.

Section 2. That the Seventeenth Judicial District of the State of Montana shall hereafter embrace the territory within the counties of Valley and Phillips.

Appointment of judge.

Section 3. That within thirty (30) days after the passage and approval of this Act, the Governor of this State shall designate and appoint a Judge of the said Twentieth Judicial District.

Jurisdiction and compensation of judge.

Section 4. That the powers, duties, compensation and term of office of the Judge of the said Twentieth Judicial District shall be the same as those provided by law and the constitution of the State of Montana for district judges.

Clerks of court not affected.

Section 5. The provisions of this Act shall not work the removal of any Clerk of the District Court within Phillips, Valley, Sheridan or Roosevelt Counties, nor affect their salaries.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect thirty (30) days after its passage and approval.

Approved March 7, 1919.

CHAPTER 169.

"An Act Authorizing the State of Montana to Become Indebted in the Sum of Fifteen Million Dollars ($15,000,000.00) in Excess of the Constitutional Limit Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which Said State Is Now Obligated; Providing for the Issuance and Sale of Bonds of and in the Name of the State of Montana in the Sum of Fifteen Million Dollars ($15,000,000.00) to Acquire Funds for the Construction and Building of Public Highways to Be Known and Designated as State Highways; Prescribing the Form of Such Bonds; Providing for the Creation of a Fund to Pay the Principal and Interest of Said Bonds by Levying a Sufficient Annual Tax to Pay the Principal and Interest Accruing Thereon; and Such Portion of the Money Derived From License Fees on Motor Vehicles, as the

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Legislature May Set Aside for That Purpose From Time to Time. Providing for the Submission to the Qualified Electors of the State of Montana at the Next General Election the Question of the Issuance of Such Bonds and Describing the Form of Ballots to Be Used and the Duties of the State Board of Examiners Relative to the Issuance of Such Bonds and the Duties of the Secretary of State of Montana Relative to the Submission of Said Question to the Qualified Electors of Said State."

Be it enacted by the Legislative Assembly of the State of Montana:

State board of examiners authorized to issue bonds.

Section 1. That the State Board of Examiners of the State of Montana is hereby authorized, empowered and directed to issue, from time to time as may be required for the purpose of this Act bonds of and in the name of the State of Montana, to and in the amount of the sum of fifteen million dollars ($15,000,000.00) in excess of the constitutional limitation of indebtedness of the State of Montana, and over and above any bonded indebtedness of said State heretofore created or incurred for which said State is now obligated; that the money to be derived from the sale of said bonds shall be used for the building and construction of public highways to be known and designated as state highways, and the said money so acquired shall be deposited in the State Treasury of Montana and expended and paid out as provided by law for said purpose and for no other purpose.

Amount of bonds in excess of constitutional limit.

Money to be used for construction of state highways.

Where deposited.

Denomination and rate of interest.

Section 2. The bonds provided for in this act shall be issued in denominations of $1,000.00 each, and shall bear interest at a rate not exceeding five per cent (5%) per annum, payable semi annually on the first days of January and July of each year at the office of the State Treasurer of the State of Montana, or at some bank in a city outside of the State of Montana, designated by the State Treasurer; such bonds shall be dated on the first day of January or the first day of July. One-twentieth of any series of bonds issued pursuant to the provisions of this act shall become due and payable each year beginning with the sixth year from the date of said issue and ending with the twenty-fifth year from the date of said issue.

Interest, when and where payable.

Date of bonds. Maturity of bonds.

Section 3. That such bonds issued under the provisions of this Act shall contain a condition substantially as follows:

Recital to be contained in bonds.

"This bond is one of a series of state bonds of the denomination of one thousand dollars ($1,000.00) each

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of like tenor and date and numbered consecutively from one (1) to fifteen thousand (15,000) inclusive, and aggregating the sum of fifteen million dollars ($15,000,000.00).

Notice of sale of bonds.

The form of notice and the method of giving same relative to the sale of such bonds shall be in accordance with the directions of the State Board of Examiners.

Annual bond levy.

Section 4. That there shall be levied annually a tax not exceeding one and one-half mills on the dollar on all property in the State of Montana subject to taxation, which said tax when collected by the County Treasurers of the counties of the State of Montana and such portion of the moneys derived from the license tax on motor vehicles and may be set aside for that purpose from time to time by the Legislative Assembly shall be by them accounted for and paid into the State Treasury of the State of Montana and to be by the State Treasurer placed in the "State Highway Bond and Interest Fund" and which fund shall be used exclusively for the payment of the principal of and interest accruing on said bonds.

Proceeds of tax and of license tax on motor vehicles to be accounted for.

"State highway bond and interest fund."

Amount to be devoted to construction of state highways.

Section 5. The sum of fifteen million dollars ($15,000,000.00) derived from the issuance and sale of the bonds hereinbefore referred to shall be expended by and under the direction of the State Highway Commission to build state highways and for the building and construction of which the issuance and sale of said bonds hereinbefore referred to are authorized.

State treasurer to be custodian of highway fund.

Section 6. The fund derived from the issuance and sale of said bonds shall be kept with the State Treasurer of Montana in a fund to be known as the "State Highway Bond and Interest Fund" and all sums derived from the levy of taxes to pay the principal and interest of said bonds shall be deposited in said fund. The principal of fifteen million dollars ($15,000,000.00) received from the issuance and sale of said bonds shall be used only for the construction of state highways and the funds derived from the levying of taxes shall be used only for the purpose of paying the principal of and the interest that may accrue on said bonds.

Limitation upon use of fund.

Form and requisites of bonds.

Section 7. That the bonds herein referred to shall be in such form as may be prescribed by the Attorney General and approved by the State Board of Examiners, and shall be signed by the members of said Board and issued under the great seal of the State of Montana, and shall be registered in the office of the State Treasurer. Said bonds shall have interest coupons attached thereto

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covering the interest due semi-annually, and shall have the lithographed facsimile signature of the members of the State Board of Examiners affixed thereto.

Disposition of bonds.

Section 8. The said bonds herein authorized and provided for shall be disposed of by the State Board of Examiners in such manner and upon such notice as may seem by said Board to be for the best interests of said State in the carrying out of the terms and provisions of this Act and none of said bonds may be sold for less than the face value thereof.

Ballots for use at election.

Section 9. That each county clerk in the State of Montana at the next general election shall have separate ballots printed and furnished to each precinct in his county in the same manner as other ballots are furnished to be used by the electors to vote upon the question herein submitted to them for their approval. The separate ballots herein referred to shall have printed thereon the following:

Statement of question to be voted upon.

☐ "For the law authorizing the issuance of state bonds in the sum of fifteen million dollars ($15,000,000.00) for the construction and building of state highways."

☐ "Against the law authorizing the issuance of state bonds in the sum of fifteen million dollars ($15,000,000.00) for the construction of state highways."

Marking ballots.

The electors shall vote said ballot by marking an "X" in the square in front of the proposition for which he or she desires to cast his or her ballot.

Expenditure of funds derived from sale of bonds.

Section 10. That the money received from the sale of the bonds hereinbefore referred to, except as hereinbefore set out, shall be expended for the purpose hereinbefore referred to and in the manner prescribed by the Legislative Assembly, provided that said Legislative Assembly may not provide for the expenditure of such money by any authority other than the State Higfihway Commission.

Legislative control over expenditure.

Repealing clause.

Section 11. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. That this Act shall be in full force and effect on and after its approval by the Governor and the vote of the electors of the State of Montana.

Approved March 7, 1919.

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CHAPTER 170.

"An Act Providing a Closed Season for the Burning of Forest Material Without a Permit, Providing Penalties for Setting Fires Contrary to the Provisions of this Act, and Making it the Duty of the County Attorney to Prosecute Offenders, and Providing a Penalty for Failure to Prosecute."

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of words and phrases used in Act.

Section 1. In this Act, unless the context or subject matter otherwise requires, the word "forester" shall mean the State Forester, or any of his subordinate officers; "Warden" shall be held to mean "Fire Warden;" "ranger" to mean "forest ranger", or any duly appointed forest officer of the United States Forest Service; "rangers" shall be held to mean "forest rangers"; "person" shall be held to include, "firm or corporation;" and "forest material" shall be held to mean "forest, slashing, stumpland, chopping, woodland or brushland"; "camp fire" shall be held to mean "any fire set for any purpose other than the disposal of forest material."

Exofficio fire wardens, who are.

Powers and duties.

Section 2. All duly appointed officers of the United States Forest Service, the Northern Montana Forestry Association, and the United States Indian Service, are hereby made ex-officio fire wardens and shall have authority to enforce and carry out the provisions of this act. Said officers are to serve without compensation from the State.

Closed season for burning forest material fixed.

Permits for burning forest material, under what conditions same may be issued.

Section 3. No person shall burn any forest material within the State of Montana during the period from June 1 to September 30 inclusive of each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the forester, a warden or a ranger and afterward complying with the terms of said permit; said permit shall fix the time for setting out fires on any three consecutive days therein named, and no fire shall be set out later than ten days from date of said permit, and no such fires shall be set at a time when the wind is blowing to such an extent as to cause danger of same spreading beyond the control of the person setting said fire, and without sufficient help and tools present at time of setting and thereafter until out, to control the same, and the said fire shall be watched by the person setting the fire until the same is out; and any one violating any provision

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contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), or be imprisoned in the county jail not less than ten (10), nor more than ninety (90) days, or by both such fine and imprisonment.

Penalty for violation of preceeding sections of Act.

The Forester, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke or postpone the use of permits to burn when such action is clearly necessary for the safety of adjacent property, provided that the provisions of this Section shall not apply to any actual settler engaged in clearing his land for agricultural purposes, nor shall not apply where the brush is piled up and there is a clear space of thirty (30) feet around such pile, but shall apply to all burning of slashings.

Refusal, suspension and revocation of permits.

Circumstances under which Act shall not apply.

Section 4. Any person who shall upon any land within this State set or leave any fire that shall spread and damage or destroy property of any kind not his own, shall upon conviction, be punished by a fine of not less than ten dollars ($10.00), nor more than five hundred dollars ($500.00). If such fire be set maliciously, whether on his own or on another's land, with intent to destroy property not his own, he shall be guilty of a felony, and shall be punished by imprisonment in the State Penitentiary for not less than one, nor more than fifty years.

Penalty for setting or leaving fires causing damage.

Malicious intent raises act to grade of felony.

During the closed season, any person who shall kindle a camp fire on land not his own, in or dangerously near any forest material and leave same unquenched, or who shall be a party thereto, or who shall by throwing away any lighted cigar, cigarette, matches or by the use of firearms, or in any other manner, start a fire in forest material not his own, and leave same unquenched, shall upon conviction, be fined not less than ten dollars ($10.00), nor more than one hundred dollars ($100.00), or be imprisoned in the county jail not exceeding sixty (60) days.

Kindling fires during closed season, how and when punishable.

Section 5. The forester, his assistants, wardens, rangers and all police officers are hereby empowered to make arrests without warrant of persons violating this Act.

Arrests without warrant.

Section 6. Whenever an arrest shall have been made for a violation of any of the provisions of this Act or whenever information of such violation shall have been lodged with him, the prosecuting attorney of the county in which the criminal act was committed, shall prosecute the offender or offenders, with all diligence and energy.

Duty of county attorneys to prosecute offenders.

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Failure of prosecuting officers to comply with provisions of Act.

Effect of conviction.

If any County Attorney shall fail to comply with the provisions of this Act, he shall be guilty of a misdemeanor and upon his conviction shall be fined not less than one hundred dollars ($100.00), nor more than one thousand dollars, ($1,000.00); and upon his conviction the District Court wherein he is convicted shall forthwith declare his office vacant, and notify the proper appointing power thereof. Action against the County Attorney shall be brought by the Attorney General in the name of the State of Montana. The penalties of this section shall also apply to any magistrate, with proper authority, who refuses or neglects to cause the arrest and prosecution of any person or persons, when a complaint under oath of a violation of any of the provisions of this Act has been lodged with him.

Penalty applies to magistrates, when.

Liability of offender for damages in civil action.

Section 7. Any person who shall upon any land within this State, whether on his own, or on anothers' land, set or leave any fire that shall spread and damage or destroy property of any kind not his own, shall be liable for all damages caused thereby, and any owner of property damaged or destroyed by such fire may maintain a civil suit for the purpose of recovering such damages. Any person who shall upon any land within this State, whether on his own or on anothers' land, set or leave any fire which threatens to spread and damage or destroy property shall be liable for all costs and expenses incurred by the State of Montana, or by any Forestry Association, or by any person extinguishing or preventing the spread of such fire.

Costs and expenses chargeable to guilty party.

Fines inure to benefit of school fund.

Section 8. All fines collected under this Act shall be paid to the County Treasury of the county in which the offense was committed, for the benefit of the Common School Fund of such county.

Repealing clause.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 171.

"An Act to Amend Section CIV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as Amended by Chapter 99 of the Session Laws of the Fifteenth Legislative Assembly,

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Providing for a Land Office Expense Fund, and the Disposition of the Same."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section CIV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as amended by Chapter 99 of the Session Laws of the Fifteenth Legislative Assembly be, and the same is hereby amended to read as follows: Law amended.

"Section CIV. All moneys received as fines, fees and forfeitures under this Act, or as penalties for the violation of any of the land laws of this State, and not otherwise provided for, shall be paid to the State Treasurer, and by him kept in a separate fund to be known as the Land Office Expense Fund. The expense of the State Land Office incurred in the selection, appraising, classifying, platting, leasing, selling, management or protection of State Lands, and the expense of making farm loans under the provisions of Chapter 124 of the Laws of the Fifteenth Legislative Assembly and all Acts amendatory thereof, shall be paid out of any moneys now in said Land Office Expense Fund, or hereafter paid into said Fund, so far as the same shall go toward the payment of said expenses, or vouchers certified by the State Board of Examiners that the said expenses were necessary and actually incurred in the selection, appraising, classifying, platting, leasing, selling, management or protection of State Lands or the expense of making farm loans under the provisions of Chapter 124 of the Laws of the Fifteenth Legislative Assembly and all Acts amendatory thereof. If at any time the moneys in said Land Office Expense Fund shall not be sufficient to pay said expenses, they shall be paid out of the several Land Grant Income Funds, and the State Board of Examiners in approving the same, shall designate the particular fund out of which said expense shall be paid; provided, that no money shall be expended for the benefit of any lands other than those in the land grant from which the particular Income Fund has been derived."

Fines, fees and forfeitures under chapter to be deposited in what fund.

Named expenses of State Land Office to be paid out of Land Office Expense Fund.

Vouchers of State Board of Examiners.

When expenses may be paid out of other funds as designated by land officer.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

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CHAPTER 172.

"An Act Amending Section 4465, Revised Codes of the State of Montana, A. D. 1907, Relating to the Leasing of Agricultural Lands."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 4465, Revised Codes of the State of Montana, A. D. 1907, be amended to read:

Limit to period of leases of state agricultural lands.

Section 4465. No lease or grant of agricultural land for agricultural purposes for a longer period than ten years, in which shall be reserved any rent or service of any kind, shall be valid; provided, however, that the foregoing provisions shall not be construed as limiting tenancies heretofore or hereafter created under lease, of lands agricultural in character upon the surface thereof, or of lands grazing in character or of any lode or placer mining claim, timber claim or lands chiefly valuable for timber or any other purpose, for the purposes of extracting, mining or otherwise developing coal, minerals, oil, gas, water, mineral or chemical deposits, or for any mining purpose whatsoever, which leases may be made and granted for a period of ten years and to run and to hold for such longer or additional time thereafter as any mineral product or other commodity covered by said lease may be found upon or within said lands, or extracted therefrom, in paying quantities.

Not applicable to mining leases.

Mining leases may be renewed for what time, or when.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. That this Act shall be in full force and effect from and after its passage.

Approved March 7, 1919.

CHAPTER 173.

"An Act to Amend Section 7452 of the Revised Codes of Montana (1907), Relating to Bonds of Executors and Administrators."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section I. That Section 7452 of the Revised Codes of Montana be amended to read as follows: "Section

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7452. Every person to whom letters testamentary or of administration are directed to issue, must, before receiving them, execute a bond to the State of Montana, with two or more sufficient sureties or a sufficient surety company, to be approved by the district court, or a judge thereof. In form, the bond must be joint and several, and the penalty must not be less than the value of the personal property and the annual rents and profits of real property belonging to the estate, nor more than twice the value of such personal property and rents and profits.

Bonds of executors and administrators.

Form and amount of bond.

Section II. All Acts or parts of Acts inconsistent with this Act, are hereby repealed.

Section III. This Act shall be in force from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 174.

"An Act to Amend Section 3 and 13 of Chapter 124 Acts of Fifteenth Legislative Assembly of the State of Montana, the Same Being an Act Entitled 'An Act Providing for the Safe Investment of the State Permanent Common School Fund, and All Other Peermanent State Educational, Charitable and Penal Instution Funds in the Securities Herein designated: for the Prompt Collection of Interest Thereon: Providing a Method of Procedure in Making Said Investments to Guard and Protect Such Funds: and Prescribing the Duties and Obligations of the Various Officers of the State in Making Said Investments, and Repealing all Laws and Parts of Laws in Conflict Herewith.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That Section 3 of Chapter 124, Acts of Fifteenth Legislative Assembly, be, and the same is hereby amended so as to read as follows;

Law amended.

"Section 3. All applications for loans of permanent common school or other permanent state educational, charitable or penal institution funds, to be secured by mortgage on farm lands, shall be made to the Register of State Lands as Secretary of the State Board of Land Commissioners, and shall be made on forms approved by the Attorney General, and it shall be the duty of the

Application for farm loans to be made to whom.

Form of application.

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Loans to be made in what order.

Abstracts to be first approved.

State Board of Land Commissioners to fill such applications for loans on farm lands as rapidly as such funds are available, and in the order in which the abstracts of title submitted in connection with such applications are finally completed and approved by the Attorney General."

Law amended.

Section II. That Section 13 of Chapter 124 Acts of Fifteenth Legislative Assembly be, and the same is hereby amended so as to read as follows:

Power and duty of Board to sell securities to provide money for new loans.

"Section 13. Whenever there are applications on file with the Board of Land Commissioners for loans of such funds, to be secured by mortgages on farm lands, in excess of the funds on hand for investment, it shall be the duty of said board, and said board is hereby authorized to sell and assign any or all mortgages on farm lands, and the notes and obligations which said mortgages are given to secure, and to sell and assign any and all bonds, warrants, and other securities in which such funds may be invested, at either private or public sale after notice given in such manner as the Board of Land Commissioners may prescribe; provided, however, that none of such mortgages, nor the notes or obligations secured thereby, and no such bonds warrants or other securities, shall be sold for a less amount than the unpaid principal thereof and the unpaid interest accruing thereon up to the date of sale; and provided, further, that the State of Montana shall never be liable for the payment of any portion of the principal of such mortgages, notes, obligations, bonds, warrants or other securities so sold, or the interest thereon, but the purchasers thereof shall look to the property on which said mortgages are given and to the makers of such notes, obligations, bonds, warrants and other securities for the payment of all such principal and interest; and provided, further, that whenever any mortgage on farm lands together with the notes or obligations secured thereby shall be sold by the State Board of Land Commissioners the purchaser, or purchasers thereof, may, in writing, appoint the Register of State Lands as the agent and attorney in fact of such purchaser or purchasers to collect and receive the interest becoming due thereon, and the principal thereof when the same becomes due, and to satisfy and release such mortgage when the note or obligation secured thereby is fully paid and discharged, and it shall be the duty of the Register of State Lands, when so appointed such agent and attorney in fact, to receive payment of such interest and principal and to pay the same over to the

At either private or public sale.

Minimum price to be received.

State shall not be liable for the debts due on such securities.

Purchaser may appoint state land registrar as his agent to collect interest and principal when due, etc.

Duty of register when appointed such agent.

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owner or owners of such mortgage, note or obligation, and to release, satisfy and discharge such mortgage of record when the note or obligation secured thereby with the interest thereon shall be fully paid."

Section III. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section IV. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 175.

"An Act to Amend Section 2 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, Relating to When, and for What Purposes, Any City or Town Council May Create Special Improvement Districts, and Repealing Sections 3413, 3414, 3415, 3416 and 3417 of the Revised Codes of 1907, Relating to Creation of Special Improvement Districts for Construction of Water-Works."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 2 of law amended.

Section 1. That Section 2 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, as amended by Chapter 142 of the Acts of the Fourteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Special improvement districts, power of city council to create.

"Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to create special improvement districts, and order the whole, or any portion or portions, either in length or width, of any one or more of the streets, avenues, alleys or places or public ways of any such city, graded or re-graded to the official grade, planked or re-planked, paved or re-paved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or re-capped, surfaced or re-surfaced, oiled or re-oiled, and to order the construction or reconstruction therein of sidewalks, cross-walks, culverts, bridges, gutters, curbs, steps, parkings, including the planting of grass plots and setting out of trees; sewers, ditches, drains, conduits, and channels for sanitary and drainage purposes, or either or both thereof, with out-

Streets, avenues, alleys and public ways, methods of improvement.

Construction of sidewalks, culverts, bridges, gutters, etc.

Sewers, ditches, drains, etc.

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lets, cess-pools, manholes, catchbasins, flushtanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances; water-works, water mains, and extensions of water-mains; pipes, hydrants, hose connections for irrigating purposes; appliances for fire protection tunnels, viaducts, conduits, subways, breakwaters, levees, retaining walls, bulkheads, and walls of rock or other material to protect the same from overflow or injury by water; the opening of streets, avenues and alleys; the planting of trees thereon; and to maintain, preserve and care for any and all of the improvements herein mentioned; and the construction or re-construction in, over, or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits, and channels for sanitary and drainage purposes, or either or both thereof, with necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels and other appurtenances; pipes, hose connections for irrigating, hydrants and appliances for fire protection; and breakwaters, levees, retaining walls and bulkheads; walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city from overflow by water; and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, alleys or places or public ways, or property, or right of way of such city. The city council is also hereby authorized to create a district as hereinafter specified, for the purpose of defraying the cost of acquiring private property for the purpose of opening, widening, or extending, any street, avenue, or alley within the corporate limits of such city.

Water-works, water-mains, etc.

Fire protection tunnels, viaducts, conduits, etc.

Streets, avenues and alleys.

Sanitary and drainage facilities.

Irrigating and appliances for fire protection.

Protection from overflow of water.

Improvement work may be ordered.

Power to create districts.

It is further provided that the council shall have the same jurisdiction and powers as in this section above provided, to (before doing any of the work mentioned in this act) require any public service corporation, or company, firm or person occupying such streets, avenues or alleys, at their own expense and within a reasonable time to be fixed by the council, place in an underground conduit in such manner as may be directed by the city council, all wires, electric conduits, telephone, telegraph, power or power transmission lines, or appurtenances thereto, or appliances owned, held, or enjoyed in connection therewith."

Power to require the placing underground conduits for wires and electric conduits of every kind in public streets, ways, etc.

Section 2. Provided, however, that the whole cost so assessed shall at no time exceed the sum of $1.50 per

Limit upon cost.

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lineal foot plus the cost of the pipe so laid of the entire length of the water mains laid in such district.

Repealing clause.

Section 3. That all Acts and parts of Acts in conflict herewith and in particular Sections 3413, 3414, 3415, 3416 and 3417 of the Revised Codes of 1907, be and the same are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 176.

"An Act to Amend Section 292 of the Compiled Laws of the State of Montana of 1907, Relating to Salaries of District Judges."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 292 of the Compiled Laws of the State of Montana of 1907, be amended to read as follows:

Salary of district judge.

Section 292. The annual salary of each District Judge is Four Thousand and eight hundred dollars.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1919.

CHAPTER 177.

"An Act Providing for the Filing of Cross-Complaints in Certain Actions and the Service Thereof and the Service of Summons Issued Upon Cross-Complaints, and Providing for the Appearance of Parties Upon Whom Service of Summons, Issued Upon Cross-Complaints, Has Been Made."

Be it enacted by the Legislative Assembly of the State of Montana:

Defendant in certain actions may file a cross-complaint.

Section 1. That whenever any defendant to an action desires any relief against any party relating to or dependent upon the contract, transaction or subject-matter upon which the action is brought, or affecting the property to which the action relates, or whenever the judgment in such action may determine the ultimate rights

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of defendants to an action as between themselves, any defendant may in addition to and in his answer file at the same time, or subsequently by permission of court, a cross-complaint against all parties to such action and may make as additional parties to such action and ask relief against any person, firm association or corporation necessary or required to permit the court to make a full determination of and to adjudicate all rights of any person, firm, association or corporation relating to or dependent upon the contract, transaction or subject-matter, or affecting the property to which the action relates.

Permission of court.

Who may be made defendants therein.

The service of a copy of the answer and cross-complaint upon the attorney of record for any party who has appeared in the action shall be and constitute service of process upon such appearing party.

Service of copy of answer and cross-complaint upon attorney.

Any person, firm, association or corporation who has not appeared in such action, or who may be made an additional party to such action, may be served with summons on such cross-complaint in the way now provided by law for the service of summons issued upon a complaint in an action, except that in a summons issued upon a cross-complaint the word "cross-complaint" shall be used instead of the word "complaint," and any party so served with summons upon a cross-complaint may appear in such action, within the time and in the manner provided by law for the appearance of a defendant in an action.

Service of summons on cross-complaint.

Section 2. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 178.

"An Act to Amend Section 2065 of the Revised Codes of Montana of 1907 as Amended by an Act Entitled "An Act to Amend Section 2065 of the Revised Codes of Montana, of 1907, Providing Suitable Burial for Deceased Soldiers, Sailors and Marines," Approved March 4, 1909, and as Amended by Chapter 109 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, Being an Act to Amend Section 2065 of the Revised Codes of Montana of 1907, as

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Amended and Approved March 6, 1911, Providing for suitable Burial of Deceased Soldiers, Sailors and Marines."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 2065 of the Revised Codes of Montana of 1907, as an Act amended by an Act entitled "An Act to Amend Section 2065 of the Revised Codes of Montana, 1907, Providing Suitable Burial for Deceased Soldiers, Sailors and Marines," approved March 4, 1909, and as further amended by Chapter 109 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana by an Act approved March 6, 1911, be amended so as to read as follows:

Duty of county commissioners to bury honorably discharged soldiers, sailors and marines.

"Section 2065. That it shall be the duty of the Board of County Commissioners of each County in this State to designate some proper person in the County, whose duty it shall be to cause to be decently interred, the body of any honorably discharged soldier, sailor or marine, who shall have served in the army or navy of the United States, who may hereafter die. Such burial shall not be made in any burial grounds or cemetery, or in any portion of such burial grounds or cemetery used exclusively for the burial of pauper dead. Provided, the expense of each burial shall not exceed the sum of One Hundred ($100.00) Dollars. In the event any honorably discharged soldier, sailor or marine, who shall have served in the Army or Navy of the United States, and who is a resident of the State of Montana, should die while temporarily absent from the State, then the provisions of this Act shall apply, and the person appointed in the County of which said deceased was a resident as hereinbefore provided, shall take charge of said burial in the same manner as he would, had such deceased person died within the State.

Not be buried in paupers field.

Limit to expense of each burial.

When soldier dies out of state.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

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CHAPTER 179.

"An Act Providing for the Burning or Otherwise Disposing of Brush, Slashings and Inflammable Materials Upon Timber Lands in the State, and Providing a Penalty for the Violation Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Disposition of brush, slashings, etc., of cut timber.

Section 1. Any person, firm or corporation who shall hereafter cut or remove any timber, logs, ties, poles, wood, or other forest products from lands within the State of Montana, whether public or private, shall burn or otherwise dispose of the brush, slashings, and all inflammable materials incident to such cuttings, within one year from the date of such cuttings.

Disposition of brush and slashings of timber heretofore cut or removed.

Section 1A. All owners of lands in the State of Montana from which there has been cut or removed since the first day of October, 1918, any timber, logs, ties, poles, wood or other forest products, and upon which there is now any brush, slashings or other inflammable materials incident to such cuttings, shall within two years from the passage of this Act, burn or otherwise dispose of such brush, slashings or other inflammable materials.

Brush and slashings not to be burned except during certain months named without permit.

Section 2. None of such materials referred to in the preceding sections shall be burned during the period from June 1st, to September 30th, inclusive of each year, without first obtaining permission in writing from the State Forester, or one of his subordinate officers.

Conditions of permit.

Such permit shall fix the time for burning such materials, and the rules and regulations under which such materials

Act not to apply to whom.

shall be burned. Provided, however, that the provisions of this Act shall not apply to any actual settler engaged in clearing his land for agricultural purposes, but shall apply to all burning of slashings.

Violation of Act a misdemeanor.

Section 3. Any person, firm or corporation failing to comply with, or viilating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon

Penalty.

conviction thereof shall be fined in a sum not less than twenty-five ($25.00) Dollars nor more than Five Hundred ($500.00) Dollars, or by imprisonment in the County Jail not less than ten (10) days nor more than ninety (90) days, or by both such fine and imprisonment.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 5. This Act shall be in full force and effect from and after its passage and approval.

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CHAPTER 180.

"An Act to Amend Section 6155 of the Revised Codes of the State of Montana, 1907, Relating to Assignments for the Benefit of Creditors."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 6155, Revised Codes, amended.

Section 1. That Section 6155 of the Revised Codes of the State of Montana, 1907, be, and the same is hereby amended to read as follows:

"6155 A.—Conditions of disposal and conversion.

Assignee for benefit of creditors must make and file inventory and affidavit and file bond.

Until the inventory and affidavit required by Section 6148 (4522) and 6149 (4523) have been made and filed, and the assignee has given a bond as required by the last section, the assignee for the benefit of creditors has no authority to dispose of the estate or convert it to the purposes of the trust. But in case the assignee shall fail to present such inventory within the twenty days required, then the assignee, before the ten days shall have elapsed, may apply to said district judge by verified petition, for leave to file a provisional bond, until such time as he may be able to present the inventory as hereinbefore provided. The district judge shall, in the case provided in Section 6149 (5423), and may also, at any time, on the petition of one or more creditors, showing misconduct or incompetency of the assignee, or on petition of the assignee himself, showing sufficient reason therefor, and after due notice of not less than five days to the assignor, assignee, surety and such other persons as such judge may prescribe, remove or discharge the assignee, and appoint one or more in his place, and order an accounting of the assignee so removed or discharged, and may enjoin said assignee from interfering with the assignor's estate, and make provision by order for the safe custody of the same, and enforce obedience to such injunction and orders by attachment; and, upon his discharge, upon his own application, such assignee's bond shall be cancelled and discharged. The new assignee shall give a bond, to be approved as required. The district judge shall have power, by order, to require or allow any inventory or schedule filed to be corrected or

Provisional bond pending presentation of inventory.

Removal of assignee may be ordered for misconduct or incompetency.

Accounting may be required of discharged assignee.

Protection of assignor's estate.

Cancellation of assignee's bond.

Bond of new assignee.

Power of district court over inventories.

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amended, and also to require and compel, from time to time, supplemental inventories or schedules to be made and filed within such time as he shall prescribe, and to enforce obedience to such orders by attachment.

B.—Notice to Creditors to present claims:

Notice to creditors to present claims.

The judge may, upon the petition of the assignee authorize him to advertise for creditors to present to him their claims, with the vouchers therefor, duly verified, on or before a day to be specified in such advertisement, not less than 10 days from the publication thereof, which advertisement or notice shall be published in one newspaper, to be designated by the judge, as most likely to give notice to the persons to be served at least once and such additional times as the judge may direct; the last publication shall be at least one week prior to the date specified.

Publication of notice.

Facts to be stated in claims.

Said verified claims of creditors shall set forth whether any, and if so, what securities are held for such claim, and whether any, and if so, what payments have been made thereon.

Notice to parties interested in estate.

C.—Notices to parties interested in the Estate as Creditors or otherwise.—Parties interested in the estate as creditors, or parties otherwise interested, if the judge so directs, shall have at least 10 days notice by mail to their respective addresses as they appear in the schedule filed by the assignor, or at such other addresses as they shall have filed with the assignee, of (a) all proposed sales of property, (b) the declaration and time of payment of dividends, (c) the filing of the final account of the assignee and of the hearing thereon, (d) the proposed compromise of any controversy. Such notice may be published as the judge shall direct and must be returnable in court.

Matters embraced in notice.

How published.

Duties of assignee.

D.—Duties of Assignee.—It shall be the duty of the assignee to collect and reduce to money the property of the estate, under direction of the court, close up the estate as expeditiously as possible; furnish such information concerning the estate as may be requested by parties in interest; keep regular accounts, pay dividends as often as is compatible with the best interests of the estate; file a final report and account at least fifteen days before the hearing thereon.

Powers of court.

E.—Power of Court.—The court shall have power:

1. To authorize the business of the assignor to be conducted for a limited period by assignee, if necessary in the best interests of the estate, and allow additional compensation for such services.

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2. To reopen estates whenever it appears they were closed before being fully administered.

3. To direct upon the final settlement of the estate that the assignee pay to the lawful creditors their proportionate dividend notwithstanding their claim has not been presented in acordance with the notice sent out by the assignee, provided one year has not elapsed since the filing of the general assignment.

4. To approve the final report and to discharge the assignee and his surety, from all further liabilities upon matters included in the accounting, to creditors appearing and to creditors not having appeared after due citation, or not having presented their claims after due advertisement.

Repealing clause.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

CHAPTER 181.

"An Act Providing for Determining the Rights of the Respective Owners of Water Ditches to the Use of Water Flowing Therein, and for the Appointment of a Water Commissioner to Divide and Distribute Water in Ditches Owned by Partnerships, Tenants in Common or Corporations."

Be it enacted by the Legislative Assembly of the State of Montana:

Distribution of waters flowing in a ditch.

When action may be commenced to determine rights of tenants in common and corporations.

Prayer for appointment of a water commissioner to distribute water.

Section 1. Whenever a water ditch used for irrigating purposes is owned by a partnership, tenants in common or corporation and there is any dispute between the respective owners, tenants in common or stockholders respecting the use and division of the waters flowing in said ditch, any partner, tenant in common or stockholder may commence an action in any court of competent jurisdiction to determine the rights of the respective parties to the use of said waters, and may join in his petition a prayer for the appointment of a Water Commissioner to apportion and distribute the waters of said ditch according to the rights of the respective owners, tenants in common or stockholders during the pendency of the action.

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Court may appoint commissioner, when.

How water to be distributed pending action.

Appointment without notice, when.

Section 2. After the filing of the complaint in such action the court may, upon five days notice to the other parties to the action, appoint a Commissioner to divide and distribute the waters of said ditch to the respective parties, according to their respective rights, during the pendency of the action; provided, however, that the court may, upon good cause shown, appoint such Commissioner without notice; and provided further that when such Commissioner is appointed without notice, any party to the action may, on five days notice to the plaintiff, move the court or Judge to vacate such appointment or to modify the order as to the distribution of the waters of said ditch, and the court or Judge on such hearing in his discretion may affirm, vacate or modify the order previously made.

Oath of commissioner.

Duty to divide water, how.

Section 3. Each Water Commissioner so appointed shall subscribe to an oath of office before commencing the discharge of his duties. It shall be the duty of the Water Commissioner to divide the waters of said ditch between the owners, tenants in common or stockholders, in proportion to their respective rights, as set forth in the complaint, or in such other manner or proportion as the court or Judge may direct.

Power of commissioner to enter premises, etc.

Section 4. Such Commissioner shall have authority to enter upon said ditch and open, close and set headgates, and do whatever else is necessary to apportion and distribute the waters of said ditch to the respective parties according to their respective rights.

Compensation of commissioner and distribution of expense.

Section 5. The court shall fix the compensation of such Commissioner and the term of his employment, and shall make an order apportioning the amount of such compensation among the several owners, tenants in common or stockholders of said ditch according to their respective rights and interest in said ditch, which amounts so apportioned shall be taxed as costs in the action against the respective parties.

Interference with duties or acts of commissioner, contempt.

Section 6. Any person opening or closing a headgate after being set by such Commissioner, or who in any manner interferes with such Commissioner in the discharge of his duties, shall be deemed guilty of contempt of court and may be proceeded against for contempt of court as provided in contempt cases.

Appointment of water commissioner after final decree.

Section 7. When the rights of the respective parties in said action to the use of the waters flowing in said ditch shall be adjudicated, the Judge of the District Court having jurisdiction of the subject matter, upon the application of the owners of at least ten per cent

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of the waters of said ditch may, in the exercise of his discretion, appoint a Water Commissioner to divide, apportion and distribute the waters of said ditch to the respective parties according to their respective rights as set forth in such decree; provided that when a Commissioner is appointed under the provisions of Chapter 43 of the Laws of the Twelfth Legislative Assembly of Montana (Laws of 1911), to apportion and distribute the waters of the stream from which the water flowing in said ditch is taken, such Commissioner shall, when so directed by the Judge or court, apportion and distribute the waters of said ditch according to the decree by which the rights of the respective owners were adjudicated.

How water distributed by Commissioner.

When commissioner is appointed under provisions of the Act of 1911.

Distribution under former decree.

Section 8. When a Commissioner is appointed upon the application of an owner or owners of such ditch, the court may fix the compensation of such Commissioner and the term of his employment, and shall make an order apportioning the amount of such compensation among the several owner or owners, tenants in common or stockholders of said ditch, according to their respective rights and interest, which order shall have the force and effect of a judgment against the person to whom the water was admeasured and for whose benefit it was used. Execution may issue upon such order as upon a judgment by direction of the court, upon the application of any person interested therein; provided however, that when a Commissioner is appointed under the provisions of Chapter 43 of the Laws of 1911, to distribute the waters of the stream from which the waters flowing in said ditch are taken and to apportion and distribute the waters of said ditch according to the rights of the respective owners thereof the Judge, in his discretion, may, in addition to the apportionment taxed against the respective owners of the waters of said stream, apportion and tax the amount, if any, the owners of such ditch shall pay in addition to the amount taxed under the provisions of said Chapter 43.

Court to fix compensation of commissioner, when, and apportion amount among whom.

Effect and force of order.

When execution may issue.

When costs may be taxed against owners of a ditch in addition to cost of distribution of entire waters of stream.

Section 9. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Section 10. This Act shall take effect and be in force from and after its passige and approval.

Approved March 7, 1919.

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CHAPTER 182.

"An Act to Regulate the Importation, Manufacture, Purchase and Sale of Alcohol and Medicinal, Pharmaceutical, Scientific, Mechanical, Culinary, Flavoring and Toilet Preparations Containing Alcohol."

Be it enacted by the Legislative Assembly of the State of Montana:

Importation, manufacture, purchase and sale of alcohol authorized for certain purposes.

Section 1. That the importation, manufacture, purchase and sale of alcohol for scientific, mechanical and manufacturing purposes, and also such preparations as flavoring extracts, essences, tinctures, perfumes, toilet articles, pharmaceutical and medicinal preparations, and remedies containing drugs or medicines, which do not contain more alcohol than is necessary for the proper manufacture, preparation and preservation thereof, are hereby authorized and permitted, provided any such preparation so imported, manufactured or sold, is not suitable for use as a beverage.

Same with respect to flavoring extracts, etc.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, that nothing herein contained shall be taken or construed as repealing Chapter 134 of the Session Laws of 1915, or any provision thereof.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 183.

"An Act to Amend Section 2 of Chapter 86 of Acts of the Thirteenth Legislative Assembly of the State of Montana, Approved March 14th 1913, Relating to Chattel Mortgages."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 2 of law amended.

Section 1. That Section 2 of Chapter 86 of the Session Laws of 1913 relating to chattel mortgages is hereby amended to read as follows:

Chattel mortgages, how executed.

"Section 2. A mortgage of personal property must be signed by the mortgagor, and be acknowledged by the mortgagor before some officer qualified to take acknowledgments and every such mortgage must have attached

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thereto the affidavit of the mortgagee, his agent, attorney, or other representative, that the same is made in good faith to secure the amount named therein, and without any design to hinder, delay or defraud creditors; and where there are two or more mortgagees named in a mortgage, whether co-partners or otherwise, any one of said mortgagees may make such affidavit on behalf of all the mortgagees named therein. And every mortgagee must surrender without cost to the mortgagor at the time of the execution of the mortgage, a correct copy of the original mortgage so signed, with acknowledgments shown thereon. And the mortgagor must surrender to the mortgagee, a receipt which shall be attached to the original mortgage showing that the mortgagee has surrendered to him a copy of such mortgage and said receipt must accompany the mortgage when presented to the Clerk and Recorder and filed therewith. Otherwise said mortgage shall not be filed as a chattel mortgage by the Clerk and Recorder."

Affidavit of mortgagee.

Copy of mortgage must be furnished mortgagor.

Receipt for copy must be attached to mortgage.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect and be in force from and after the passage and approval thereof.

Approved March 10, 1919.

CHAPTER 184.

"An Act Creating the State Efficiency and Trade Commission, and Prescribing and Defining Its Powers and Duties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a State Efficiency and Trade Commission is hereby created, composed of Frank Eliel of Dillon, Beaverhead County, Montana, N. T. Lease of Great Falls, Cascade County, Montana, and W. O. Fisk, of Hamilton, Ravalli County, Montana, said persons being hereby named and appointed as members of said State Efficiency and Trade Commission. The compensation of the members of said State Efficiency and Trade Commission shall be paid out of the General Fund of the State. Should a vacancy occur in said State Efficiency and Trade Commission, through the death or resignation of any member thereof, or through any other cause, the Governor shall appoint some qualified person to fill

State Efficiency and Trade Commission created.

Personnel of Commission.

Compensation of members, how paid.

Vacancies in Commission, how filled.

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such vacancy provided that such vacancy shall be filled by appointment of a person of the same political faith as the original appointee.

Compensation and expenses of members

Section 2. Each member of said State Efficiency and Trade Commission shall be paid actual traveling expenses and other necessary expenses, and in addition, a compensation of Fifteen Dollars per diem while actually engaged in the work of the Commission, and while going to or returning from such work. The Commission is

Powers of Commission.

authorized to hold sittings and public hearings enywhere in the State of Montana, to send for persons and papers, to administer oaths, to summon or compel the attendance of witnesses and to take testimony, and to employ such expert accountants, persons especially skilled in the science of state and muncipal government,

Employment of expert and clerical assistance.

stenographers and other assistants as shall be necessary to carry out the purpose for which said Commission is created. Any expert accountant or person especially skilled in the science of state and municipal government may or may not be a citizen of the State of Montana.

Investigation of state and other institutions.

Section 3. The said State Efficiency and Trade Commission shall investigate, or cause to be investigated, the financial and business policies of the state, its various officers, bureaus, boards, departments, the State Fair, all agricultural experiment stations, the Soldiers' home, the State Reform School, the Tuberculosis Sanitarium, the State School for Deaf, Blind, and Feeble Minded, the State Industrial School, the State Insane Asylum, the State Prison, the University of Montana, and all its departments, and every and all institutions of every kind and character which are or may be supported, in whole

Investigations to promote efficiency and economy in state administration.

or in part, by state funds. And shall institute, or cause to the instituted, such investigations as it may deem best for the purpose of discovering abuses, inefficiency, undue and unnecessary expenditures of money, and devising ways and means for correcting the same, and for providing for the most economical administration of all state departments and institutions, consistent with the public welfare. And in the absence of specific direction from the Legislature of Montana with reference

Other powers of Commission.

thereto, it shall have the power to establish rules and regulations, systems of book keeping and methods of expenditure of public money as may be necessary to prevent abuses, inefficiency, undue and unnecessary expenditures of money in the various departments of State and State Institutions and said commission shall conduct a full investigation of the subject of wholesale and

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retail prices of articles of merchandise, food stuffs, produce and commodities in the State of Montana, including the cost of production, manufacture, transportation, and sale thereof, and the trade and commercial conditions in relation thereto; and shall investigate the trade relations between the manufacturers, producers, wholesalers, jobbers, retail dealers, and the consumers; and shall investigate any cases of unfair trade practices, and of combinations or agreements in restraint or restriction in any degree of full, free, fair and open competition. And said commission shall have the right, authority and power to enter upon any premises, occupied by any person, firm, co-partnership, or corporation, transacting a business of buying and selling articles of merchandise, foodstuffs, produce and commodities within the State of Montana, and shall have access to the books, records, papers, files and inventories thereof for the purposes of any such investigation.

Powers with respect to the prices of foodstuffs and other commodities, trade relations, etc.

Combinations in restraint of competition.

Right of entry upon premises.

Section 4. That for the purposes of this act said Commission shall have power to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents relating to any matter under investigation. Such attendance and the production of such documentary evidence may be required from any place in the state at any designated place of hearing, and in case of disobedience to such subpoena the Commission may invoke the aid of any district court of the State of Montana in requiring the attendance and testimony of witnesses and the production of books papers and documents under the provisions of this section; and any of the district courts of the State of Montana, in case of contumacy or refusal to obey a subpoena issued, shall upon a petition filed by said Commission, setting up the facts and the necessity of having such witness appear before the Commission, summarily direct that a subpoena be issued requiring any state officer, or any person whomsoever, either directly or indirectly connected with the administration of the affairs of the State, or of any of the institutions above mentioned, or any other witness or person whose testimony is required by said Commission to appear before the Commission and produce books and papers if so ordered, and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as for a contempt thereof. The claim that any such testimony or evidence may tend to incriminate the person giving such evidence shall

Attendance of witnesses and production of books and documents.

Compelling attendance of witnesses.

Summary process for obtaining attendance of witnesses.

Incriminating testimony cannot be used against witness in criminal prosecution.

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not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. All books, papers, accounts and everything pertinent to the administration of the State of Montana, or any of its Boards, and any of its officers, shall at all times be open to the free inspection and examination of said State Efficiency and Trade Commission, any member thereof, or any of the persons which may be employed by said State Efficiency and Trade Commission, as hereinbefore provided.

Books, papers, etc., pertaining to state administration shall be open to inspection.

Commission shall report to Governor.

Section 5. That said State Efficiency and Trade Commission shall report to the Governor of the State of Montana, on or before the 1st day of November, 1919, which said report shall be full and complete in every particular, and shall advise the Governor upon all points touching the investigation so made by said State Efficiency and Trade Commission and shall include in their report their recommendations as to the advisability for the Governor to convene the Legislative Assembly in extraordinary session for the purpose of enacting legislation necessary to carry out the recommendations of the Commission, and shall specifically point out wherein the administration of the finances of the state, or wherein the policies of the state in the administration of state affairs, or the policy of any of the said state boards or its officers, or of said state institutions, or their officers, are deficient, inefficient, extravagant, or corrupt, and shall make specific recommendations as to how the state Government and the expenditures of the state in connection therewith, or in connection with any of the state institutions hereinbefore mentioned, or any of the boards or officers of the state, may be more economically and scientifically administered, without injury to the public service and to prepare such proposed legislation as may be necessary to carry into effect the recommendations of said Commission. And the said Commission shall include in said report a detailed statement, showing the result of its investigations into the trade and commercial conditions of the State, and a detailed statement of the nature, character, and kind of any unfair trade practices such as rebating, agreements or combinations in restraint of trade, or restricting or tending to restrict full, open, free and fair competition if it shall be found that any such practices prevail within the State.

Character, scope and object of report.

Recommendations for remedial legislation.

And said Commission shall in the event that it shall find the existence of unfair trade practices, or combinations or agreements in restraint of trade, suggest in its

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said report such legislation as in its judgment will serve to check or terminate such practices and to prevent such combinations or agreements, and to restore free, fair and open competition in trade and commerce within the State. It shall be the duty of the Governor of the State to transmit said report to the next succeeding legislative assembly.

Transmission of report to Legislature.

Section 6. The term of office of said State Efficiency and Trade Commission shall expire on the first day of November, 1919.

Section 7. No money shall be paid for any of the expenses of said State Efficiency and Trade Commission except upon an order of said Commission, signed by the Chairman thereof, and all claims shall be audited by the State Board of Examiners and paid by warrant upon the State Treasurer drawn upon the appropriation made for the payment thereof. And there is hereby appropriated out of the general fund of the State of Montana the sum of $30,000.00 or so much thereof as may be necessary for the payment of the costs and expenses of said Commission, and for the purposes of carrying out the provisions of this Act.

Disbursement of funds for and on behalf of Commission.

Appropriation for benefit of Commission.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause

Section 9. **This act shall be in full force and effect from and after its passage and approval.**

Approved March 10, 1919.

CHAPTER 185.

"An Act Establishing and Defining the Boundary Line Between Fallon and Wibaux Counties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the boundary line between Fallon County and Wibaux County of the State of Montana, be and the same is hereby established and shall hereafter be known as follows:

Section 1. Beginning at the point of intersection of the North line of section four (4), Township eleven (11), North Range sixty-one (61), East of the Montana and North Dakota State line; thence south along the Montana and North Dakota State line to the south line of section four (4), Township ten (10), North, Range sixty-one

Establishment of boundary line between Fallon and Wibaux counties.

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(61), East; thence west along the Section lines to the Southwest corner of section six (6), Township ten (10), North, Range fifty-nine (59), East; thence north along the range line between range fifty-eight (58), East and fifty-nine (59) East to the Southwest corner of section thirty (30), Township eleven (11), North, Range fifty-nine (59), East; thence west along the section lines to the Southwest corner of section twenty-seven (27), Township eleven (11), North, Range fifty-eight (58), East; thence North to the Southwest corner of section twenty-two (22), Township eleven (11), North, Range fifty-eight (58), East; thence west along present south boundary line of Wibaux County to the East boundary line of Prairie County.

Description of boundaries.

Section 2. The boundaries of Fallon County are hereby altered to conform to the boundaries of Wibaux County as established by this Act.

Fallon county boundaries altered.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 186.

"An Act Amending Paragraph (e) of Section 7 of an Act Entitled: 'An Act Making the Board of Railroad Commissioners of the State of Montana Ex-Officio a Public Service Commission for the Regulation and Control of Certain Public Utilities; Prescribing the Manner in Which Such Public Utilities Shall Be Regulated and Controlled; Requiring Such Public Utilities to Furnish Reasonably Adequate Service and Facilities; Prohibiting Unjust and Unreasonable Charges for Service Rendered by Such Public Utilities; Providing Penalties for Violation of the Provisions of This Act; Authorizing such Public Service Commission to Appoint an Expert Engineer, and to Employ Clerks and Assistants and Making an Appropriation for Carrying Out the Provisions of This Act,' Approved March 4, 1913, Being Chapter 52 of the Session Laws of 1913."

Be it enacted by the Legislative Assembly of the State of Montana:

Paragraph (e) of section 7, chapter 52, laws of 1913, amended.

Section 1. That paragraph (e) of Section 7 of the Act, entitled: "An Act making the Board of Railroad Commissioners of the State of Montana Ex-Officio a Public Service Commission for the Regulation and Con-

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trol of Certain Public Utilities; prescribing the manner in which such Public Utilities shall be regulated and controlled; requiring such Public Utilities to furnish reasonably adequate service and facilities; prohibiting unjust and unreasonable charges for services rendered by such Public Utilities; providing penalties for violation of the provisions of this Act; authorizing such Public Service Commission to appoint an expert engineer and to employ clerks and assistants and making an appropriation for carrying out the provisions of this Act," Approved March 4, 1913, being Chapter 52 of the Session Laws of 1913, be and the same is hereby amended so as to read as follows:

Annual closing of accounts of public utilities and reports to Commission.

"(e). The accounts of such Public Utilities shall be closed annually on the thirty-first day of December, a balance sheet taken promptly therefrom, and full annual reports of the business be made to the Commission not later than the 15th day of March following the closing of the accounts; provdied, however, that the accounts of any municipal utility shall be closed annually on the thirtieth day of April, a balance sheet taken promptly therefrom and full annual reports of the business be made to the Commission not later than the 15th day of July following the closing of the accounts. The reports shall be in such form as prescribed by the Commission, and shall contain all the information deemed by the Commission necessary for the proper performance of its duties. The Commission may at any time call for desired information omitted from such reports or not provided for therein whenever, in the judgment of the Commission, such information is necessary."

Annual closing of accounts of municipal utilities.

Form and contents of reports.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 187.

"An Act to Amend Section 7600 and Subdivisions 4 and 5 of Section 7601 of the Revised Codes of 1907, of the State of Montana, Relating to Mortgages of Property of Decedents."

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 7600, Revised Codes, amended.

Section 1. That Section 7600 of the Revised Codes of 1907, of the State of Montana, be, and the same is hereby, amended to read as follows:

Mortgages and leases of the estates of deceased persons and of minors and incompetent persons authorized, when.

Section 7600. Whenever, in any estate now being administered, or that may hereafter be administered, it shall appear to the District Court, or a judge thereof, to be for the advantage of the estate to raise money, upon a note or notes, to be secured by a mortgage of the real property of any decedent, or of a minor, or an incompetent person, or any part thereof, or to make a lease of said realty, or any part thereof, the court or judge, as often as occasion therefor shall arise in the administration of any estate, may, on a petition, notice and hearing as provided in this Article, authorize, empower and direct the executor or administrator, or guardian of such minor or incompetent person, to mortgage such real estate, or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate, or any part thereof.

Section 7601, Revised Codes, amended.

Section 2. That Subdivision 4 of Section 7601 of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby, amended to read as follows:

Hearing on application to mortgage.

4. At the time and place appointed in the order to show cause, or at such other time and place to which the hearing may be postponed, (the power to make all needful postponements being hereby vested in the court or judge), having first received satisfactory proof of personal service or publication of the order to show cause, the court or judge must proceed to hear the petition and any objections that may be filed or presented thereto. Upon such hearing, witnesses may be compelled to appear and testify, in the manner, and with like effect, as in other cases; and if, after a full hearing, the court or judge is satisfied that it will be for the advantage of the estate to mortgage the whole, or any portion, of the real estate, an order must be made authorizing, empowering and directing the executor or administrator, or the guardian of such minor or incompetent person, to make such mortgage, and a promissory note or notes to the lender, for the amount of the loan to be secured by said mortgage; the order may direct that a lesser amount than that named in the petition be borrowed, and may prescribe the maximum rate of interest, and the period of the loan, and require that the interest, and the whole

Order authorizing mortgage must be made, when.

Terms of order.

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or any part of the principal be paid, from time to time, out of the whole estate, or any part thereof, and that any buildings on the premises to be mortgaged shall be insured for further security of the lender, and the premiums paid from any moneys in the estate.

Section 3. That subdivision 5 of Section 7601 of the Revised Code of 1907, of the State of Montana, be, and the same is hereby, amended to read as follows: Section 7601, Revised Codes, amended.

5. After the making of the order to mortgage, the executor or administrator, or the guardian of a minor or incompetent person, shall execute and deliver a promissory note or notes for the amount and period specified in the order, and shall execute, acknowledge and deliver a mortgage of the premises, setting forth in the mortgage that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the encumbered land, or any part thereof, lies. The note or notes and the mortgage shall be signed by the executor, administrator, or guardian as such, and shall create no personal liability against the person or persons so signing. Execution and delivery of note and mortgage. Certified copy of order to be filed, where. Notes and mortgage, how signed.

Section 4. Al Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage.

Approved March 10, 1919.

CHAPTER 188.

"An Act to Amend Section Sixteen of Chapter Fifty-Two of the Session Laws of 1913, Which Chapter has Reference to the Creation of Public Service Commission of the State of Montana, Defining the Duties of Said Commission, Authorizing Said Commission to Employ an Engineer, Examiners, Experts, Clerks, Accountants, Etc."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16 of Chapter 52, Session Laws of 1913, authorizing the Public Service Commission of Montana to employ an engineer, also examiners, ex- Section 16 of law amended.

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perts, clerks, accountants or other assistants as it may deem necessary, at such rates of compensation as it may determine upon, be, and the same is hereby amended to read as follows:

Employment and compensation of engineer and expert and clerical help by Public Service Commission.

"Section 16. The Commission is authorized to employ an engineer at a salary of Four Thousand Dollars ($4,000.00) per annum, also examiners, experts, clerks, accountants or other assistants as it may deem necessary, at such rates of compensation as it may determine upon; and it is further provided that the Secretary of the Public Service Commission shall receive an annual salary of Six Hundred Dollars ($600.00). Such salary to be in addition to the salary now provided by law to be paid to the Secretary of the Board of Railroad Commissioners of the State of Montana."

Salary of Secretary of Commission.

Repealing clause.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 189.

"An Act to Amend Section 1 of Chapter 140 of the Laws of the Eleventh Legislative Assembly of the State of Montana, relating to Annual Reports of Domestic Corporations Except Banks, Trust Companies and Building and Loan Associations."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 1, Chapter 140 of the Laws of the Eleventh Legislative Assembly of the State of Montana be amended so as to read as follows:

Annual report of corporations, when to be filed.

Where filed.

Contents of report.

"Section 3850. Every corporation, having a capital stock, except banks, trust companies and building and loan associations, shall by March first of each year hereafter, file in the office of the county clerk and recorder of the county in which the prinicpal place of business of such corporation is situated, a report of the condition of said corporation on December thirty-first preceding, which shall state the amount of the authorized capital stock, the proportion thereof actually paid in, and the amount thereof actually paid in in cash, and the amount issued, if any, in payment of property purchased, ser-

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vices rendered or labor performed, and the amount of existing debts and also the names and addresses of the directors or trustees, and of the president, vice-president, general manager (if any), and secretary and treasurer of the corporation. Such report shall be signed by the president or vice-president and a majority of the directors inclusive of the president, or vice-president. The report shall be verified by the oath of the president, vice-president, secretary or treasurer of such corporation. If the directors or trustees of any corporation shall fail to file such report, the directors of the corporation shall jointly and severally be liable for all debts or judgments of the corporation then existing or which may thereafter be in any wise incurred until such report shall be made and filed; provided, however, that if within twenty days of such failure a director or directors, shall make and file as aforesaid, an affidavit or affidavits stating that the failure was due to no fault or neglect of his or theirs, and stating also that, after the 31st day of December of the preceding year and before said March 1st he or they requested the president or a sufficient number of the other directors, whose residence was known to the affiants, to join them in making report, such director or directors shall not be liable under this Section. If the required report be made and filed after the time herein specified, the directors shall not, on account of the prior failure to make report, be liable for the debts thereafter contracted. Where such corporation, on account of insolvency or for any other reason, has ceased to be a going concern and has ceased voluntarily to incur financial obligations, the directors may include a statement to that effect in their report, giving the reasons for cessation of the corporate activities of such corporation, and after two annual reports containing such statement have been filed, the directors shall not be liable for a failure to file annual reports during the time of such cessation of corporation activities."

By whom signed.

Verification of report.

Liability of directors upon failure to file report.

Facts excusing failure.

Reports filed after time specified in this Act.

Reports in case of insolvency of corporation.

Section 3. All Acts and Parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

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CHAPTER 190.

"An Act Establishing Athletic Commissions, and Regulating Boxing, Sparring and Wrestling in the State of Montana, and Providing that Fifty Per Cent of the Net Receipts Realized from Such Exhibitions Shall be Paid into the State Treasury and be Held and Used for the Support and Maintenance of a Home for Returned and Disabled Soldiers, Sailors and Marines of the World War and Providing for a Referendum of said Act at a Special Election to be held on the First Tuesday in September, 1919, under the Provisions of the Laws of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

County Athletic Commission may be established.

Section 1. Each county in the State of Montana may have a County Athletic Commission within thirty days after the passage of this Act and its ratification by a majority vote of the people of the State of Montana. The District Judge or Judges of the Judicial District of which said county is a part, shall upon the presentation and filing of a petition by one hundred (100) taxpayers of a county, appoint three persons to be members of such Commission, who shall hold office during the term of the District Judge or Judges who appointed said Commission, and until their successors are appointed and qualified, and who shall not receive any salary. Each member of the Commission shall be a qualified elector in the county wherein said Commission is created.

Appointment, term of office and qualifications of members.

Organization of Commission.

Section 2. The Commission may maintain an office for the transaction of its business at a place to be by it designated. The commission shall within thirty days after its members have been appointed, meet and elect one of its members Chairman of the Commission, and also elect a Secretary of the Commission, who shall act during the pleasure of the Commission, and who may receive a salary of not to exceed Three Hundred Dollars ($300) per annum, to be paid in monthly installments of not to exceed Twenty-five Dollars ($25) per month, from a fund to be created as hereinafter provided for.

Salary of secretary.

Adoption of seal and rules and regulations.

The Commission shall adopt a seal and enact such rules and regulations not inconsistent herewith as the Commission may deem necessary for the proper administration of this Act.

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Duties of secretary.

Section 3. It shall be the duty of the Secretary of the Commission to keep a full and correct account of all proceedings of the Commission; to preserve and keep at the office of the Commission all books, documents and papers, and to prepare and serve such notices and other papers that may be required of him by the Commission.

Boxing, sparring and wrestling exhibitions permitted.

Section 4. It shall be lawful to conduct boxing, sparring and wrestling exhibitions in conformity with and subject to the provisions of this Act. The Commission shall have, and hereby is invested with, the sole direction, management, and control of the jurisdiction over all boxing, sparring and wrestling matches and exhibitions to be conducted, held or given within the county and by any club, corporation or association; and no boxing, sparring or wrestling match or exhibition shall be conducted, held or given within the county except pursuant to its authority and in accordance with the provisions of this Act; provided however, nothing in this Act shall be construed as relating to amateur boxing or wrestling exhibitions conducted in regularly organized gymnasiums. The Commission shall have power to license such boxing, sparring and wrestling clubs as it may deem advisable under such rules and regulations and amendments thereof as it may prescribe. Every application for a license, as herein provided for, shall be in writing and shall be addressed to the Commission, and shall be verified by such officer of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license, and in addition thereto, such other facts and recitals. as the Commission may by rule require to be shown.

Control of Commission over athletic events.

Amateur contests not included in Act.

Licensing of boxing, sparring and wrestling clubs.

Form and contents of application for license.

Requirements as to buildings used for purposes of Act.

Section 5. All buildings or structures used or intended to be used, for the purpose of this Act, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and in all manner conform to the laws, ordinances and regulation pertaining to buildings in the city, town or village where situated. Where a part of a building or structure is used for the purpose set forth in this Act, this Section shall apply in the same manner.

Conditions of bouts.

Section 6. No boxing. sparring or wrestling match or exhibition shall be of more than fifteen rounds in length; and the contestants shall wear during such contests, gloves weighing at least six ounces. No person or per-

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Physical examination of contestants.

sons may take part in the exhibition or sparring match unless they have first passed a rigorous physical examination to determine their fitness to engage in any such exhibition. Said examination to be conducted by a regular practicing physician, said physician to be designated by the Commission.

Fake contests punishable by forfeiture of license.

Section 7. Any club, corporation or association which may conduct, hold or give, or participate, in any sham or fake boxing, sparring or wrestling match or exhibition shall thereby forfeit its license issued in accordance with the provisions of this Act, which shall therefore be, by the commission, cancelled and declared void; and it shall not thereafter be entitled to receive another such or any license pursuant to the provisions of this Act.

Cancellation of license irrevocable.

Punishment of participant in fake contest for first and second offense.

Section 8. Any contestant who shall participate in any sham or fake boxing, sparring or wrestling match or exhibition shall be penalized in the following manner; for the first offense, he shall be restrained for a period of six months, such period to begin immediately after the occurrance of such offense, from participating in any boxing competition to be held or given by any club, corporation or association duly licensed to give or hold such boxing, sparring or wrestling match or exhibition; for a second offense he shall be totally disqualified from further admission or participation in any boxing contest held or given by any club, corporation or association duly licensed for said purpose.

Report to Commission upon contests.

Section 9. Every club, corporation or association which may hold or exercise any of the privileges conferred by this Act, shall within twenty-four hours after the determination of every contest, furnish to the Commission a written report, duly verified by one of its officers, showing the number of tickets sold for said contest, and the amount of the gross proceeds thereof, and such other matters as the Commission may prescribe, and shall also within the said time, pay to the County Treasurer a tax of fifty per cent of its total net receipts from the sale of the tickets of admission to such boxing, sparring or wrestling match or exhibition, which sum shall be by the County Treasurer remitted to the State Treasurer to be by him applied to a fund to be created for the support and maintenance of a home for returned and disabled soldiers and sailors of the world war.

Matters embraced in report.

Tax of 50 per cent on ticket sales payable to county treasurer.

Application of fund.

In the event no such home is created or established, the State Treasurer shall hold said funds so received by him until such time as an institution is provided for

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returned and disabled soldiers and sailors of the world war, at which time said funds shall be used for the support and maintenance of such institution, or until January 1, 1929, at which time if no such institution has been created then said sum shall by the State Treasurer be transferred to the school fund of the State of Montana. Ultimate use of fund.

Section 10. Before any license shall be granted to any club, corporation, or association to conduct, hold or give any boxing, sparring or wrestling match or exhibition, such applicant therefor shall execute and file with the County Treasurer, a bond in the sum of Five Thousand Dollars ($5,000), to be approved as to form by the county attorney of the county in which said club is situated, and as to the sufficiency of the sureties thereon, by the County Treasurer, which said bond shall be conditioned upon the payment of the tax hereby imposed. Upon the filing and approval of such bond, the County Treasurer shall issue to such applicant for such license a certificate of such filing and approval, which shall be by such applicant filed in the office of the Commission with its application for such license and no license shall be issued until such certificate shall be so filed. Execution and delivery of bond shall be a condition precedent to issue of license. Amount of bond. Approval as to form and sufficiency. Certificate of filing and approval of bond. Where filed.

Section 11. Whenever any such club, corporation or association shall fail to make a report of any contest at the time prescribed by this Act or whenever such report is unsatisfactory to the County Treasurer he may examine or cause to be examined the books and records of such club, corporation, or association, for the purpose of determining the total amount of its gross receipts for any contest and the amount of tax due pursuant to the provisions of this Act, which tax he may, upon and as the result of such examination, fix and determine. In case of the default in the payment of any tax so ascertained to be due, together with the expenses incurred in making such examination, for a period of ten days after notice to such delinquent club, corporation or association of the amount at which the same may be fixed by the county treasurer, such delinquent club, corporation or association, shall ipso facto, forfeit its license and shall be thereby disqualified from receiving any new license or any renewal of license, and it shall in addition forfeit to the County wherein said club, corporation or association is located, the sum of Five Hundred and no/100 Dollars ($500.00), which may be recovered by the said county, and it shall be the duty of the county attorney to institute an action for said recovery, and which said sum shall be remitted to the State Duty of county treasurer upon failure to make report of contest. Examination of books and records of club. Non-payment of tax found to be due ipso facto works forfeiture of license. Pecuniary penalty. Action for recovery of penalty.

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Disposition of moneys recovered.

Treasurer to be by him added to the sum herein provided, for the support and maintenance of a home for returned and disabled soldiers and sailors of the world war.

Acts constituting misdemeanor.

Section 12. Any person who violates any of the provisions of this Act, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor.

Referendum upon Act.

Section 13. There shall be a referendum upon this Act, and the Secretary of State is hereby required and it is made his duty to submit this measure, in accordance with Article V, Section 1 of the Constitution of the State of Montana to the people of the State, for their approval or rejection at the next election held in the State of Montana, whether such general election be a special election or the general election provided by law. Separate ballots shall be used at such special or general election which shall have printed thereon the words: "For an Act establishing Athletic Commissions, and regulating boxing, sparring and wrestling in the State of Montana, and providing that fifty per cent of the net receipts realized from such exhibitions shall be paid into the State Treasure and be held and used for the support and maintenance of a home for returned and disabled soldiers, sailors and Marines of the World War" and the words "Against an Act establishing Athletic Commissions, and regulating boxing, sparring and wrestling in the State of Montana, and providing that fifty per cent of the net receipts realized from such exhibition shall be paid into the State Treasure and be held and used for the support and maintenance of a home for returned and disabled soldiers, sailors, and marines of the World War" and each elector shall designate a preference for either of the provisions by making an X before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be canvassed, and determined as provided by the general election laws of the State of Montana.

Proposition to be submitted at next election.

Ballots to be provided.

Form of stating question in ballot.

Marking ballots.

Canvass of vote.

Repealing clause.

Section 14. All Acts and parts of Acts in conflict herewith are hereby repealed.

Majority vote required.

Section 15. This Act shall be in full force and effect from and after its passage, provided, the same shall be ratified by a majority vote of the people of the State of Montana voting at the next election, whether general or special, held in the State of Montana.

Approved March 10, 1919.

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CHAPTER 191.

"An Act Relating to the State Militia of the State of Montana, Providing for the Organization, Regulation, Maintenance and Discipline of the National Guard of Montana, Prescribing Duties of Certain County and State Officers in Connection Therewith, Prescribing Penalties and Repealing Sections 1045 to 1110 Inclusive, of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Military Code.

Section 1. This Act, together with subsequent Acts amendatory thereof, and all future Acts relating to the militia and National Guard of Montana, shall be known as the Military Code of the State of Montana.

Section 2. COMPOSITION OF THE MILITIA.

Militia shall consist of whom.

Age limits.

Classes.

The militia of the State of Montana shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, residing within this State, who shall be more than eighteen years of age, and except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into two classes, the National Guard of Montana and the Unorganized Militia.

Section 3. GOVERNOR AS COMMANDER-IN-CHIEF.

Shall be governed how, when not in Federal service.

The militia of the state not in the service of the United States shall be governed and its affairs administered pursuant to law by the Governor, as Commander-in-Chief, through the Adjutant General's Department, which shall consist of the Adjutant General as its Executive head, and such other officers and such enlisted men and civilian employees as the Governor shall from time to time prescribe.

Section 2. COMPOSITION OF ORGANIZED MILITIA.

Organized militia shall consist of what.

Shall conform to laws and regulations of United States in what matters.

The Organized Militia of Montana shall consist of the commissioned officers, enlisted men, organizations, staffs, corps and departments of the regularly commissioned, and enlisted militia of the state, organized and maintained pursuant to law. Its numerical strength, composition, distribution, organization, arms, uniforms, equipment, training and discipline shall be prescribed by the Governor in conformity with the laws and regulations of the United States and the laws of this state. In

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Minimum enlisted strength.

the absence of any Federal law or regulation to the contrary, its minimum enlisted strength shall be twelve hundred and it shall include at all times The Adjutant General's Department and at least one regiment of infantry.

Governor may increase organization, how and when.

The Governor may authorize and cause to be organized from time to time within the Organized Militia of Montana, such additional staffs, corps, departments, branches, arms and organizations as he shall deem necessary, and he shall have power at will to alter, divide, consolidate, disband, muster out or re-organize any staff, corps, department, branch, arm or tactical or administrative subdivision either now existing or hereafter created within the organized Militia of Montana, subject to the limitations imposed by the laws and regulations of the United States and the laws of this state.

Section 5. DECLARATION OF POLICY.

Policy and purposes of organization.

The duty of maintaining and governing the Organized Militia not in the service of the United States rests upon the states respectively, subject to the constitutional authority of Congress, but the prime object of the force is the national defense. Its efficiency as an agent for national defense necessarily depends upon systematic uniformity in the organization, composition, arms, equipment, training and discipline of its component parts. Its attainment of such uniformity and efficiency requires on the part of each state a rigid adherence to federal laws and regulations relating to militia. Therefore, the Governor shall cause the Organized Militia of this state always to conform to all such federal laws and regulations as are now or may hereafter from time to time become operative and applicable, notwithstanding anything in the laws of this state to the contrary. The Organized Militia of Montana or any part thereof shall be subject to call for United States service at such times, in such manner, and such numbers as may from time to time be prescribed by the United States.

Governor shall cause organization to conform to Federal laws, always.

Subject to call of Federal government.

Section 6. EMERGENCY CLAUSE.

Adequate system necessary.

WHEREAS, The public peace and safety of the United States and of the State of Montana depend upon an adequate system of national defense, and

Importance of organization.

WHEREAS, The Militia of the various states is an important element of the national defense, and

Preamble.

WHEREAS, By the Constitution of the United States authority is conferred upon Congress to provide for the calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion and to provide for organizing, arming and disciplining the

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militia and for governing such part of them as may be called into the service of the United States, and

WHEREAS, By the Constitution of the United States, the authority of training the militia according to the discipline prescribed by Congress and the appointment of the officers thereof are reserved to the several states, and

WHEREAS, Congress in accordance with the authority conferred upon it has recently enacted certain laws, providing for organizing, arming and disciplining the militia and for the governing of such part of them as may be called into the service of the United States and has made appropriations of money and military supplies, accoutrements, and stores for the maintenance, support, equipment and discipline of the militia contingent upon compliance by the states respectively with the conditions set forth in said enactments, and

WHEREAS, Said enactments, have been duly and regularly approved by the President of the United States and for some time past have been and now are in full force and effect, and,

WHEREAS, It is the duty of the State of Montana and it is necessary for it forthwith to comply with said acts and each of them in order that its militia may be promptly qualified for the efficient service of both state and nation, and

WHEREAS, This act is a compliance therewith,

Public emergency declared.

A public emergency is hereby declared to exist and this act is necessary for the immediate preservation of the public peace and safety and the support of the state government and its existing public institutions and shall take effect, immeditely.

Section 7. COMPOSITION OF NATIONAL GUARD.

Composition of National Guard.

The National Guard of Montana shall consist of the commissioned officers, enlisted men, staffs, corps, departments and organizations of the Organized Militia of Montana regularly organized and maintained pursuant to law for land service.

Section 8. GOVERNOR MAY ORDER OUT ORGANIZED MILITIA.

Governor's power to call militia to active service.

In event of war, insurrection, rebellion, invasion, tumult, riot, mob or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger of the occurrance of any of said events, or in event of public disaster the

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Governor shall have power to order the Organized Militia of Montana or any part thereof into the active service of the state, and to cause them to perform such duty as he shall deem proper. The Governor shall also have power to order out the Organized Militia or any part thereof to preserve order and keep the people within bounds at any large public assemblage:

Proviso.

PROVIDED, That such action shall be taken only upon written request of the mayor of the city or the sheriff of the county or a district Judge in the Judicial district within which said assemblage is to occur.

Section 9. GOVERNOR MAY ORDER OUT UNORGANIZED MILITIA.

Unorganized militia may be called out, when.

In event of, or imminent danger of, war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breech of the peace, if the Governor shall have ordered into active service all the available forces of the Organized Militia of Montana and shall consider them insufficient in numbers to properly accomplish the purpose, he may then in addition order out the Unorganized Militia or such portion thereof as he may deem necessary, and cause them to perform such military duty as the circumstances may require.

Section 10. PENALTY FOR FAILURE TO OBEY CALL.

Failure to obey order calling out to be deemed desertion.

Every member of the Militia who shall have been ordered out for either state or federal service under the provisions of sections 8 and 9 of this act, and who shall refuse or willfully or negligently fail to report at the time and place and to the officer designated in the order or to the representative or successor of such officer shall be deemed guilty of desertion, and shall suffer such

Penalty.

penalty as a general court-martial may direct, unless he shall produce a sworn certificate from a licensed physician of good standing that he is physically unable to appear at the time and place designated:

Deserter may be forcibly compelled to serve.

PROVIDED, That any person chargeable with desertion under this section may be taken by force and compelled to serve.

Section 11. PENALTY FOR PHYSICIAN MAKING FALSE CERTIFICATE.

Physician issuing false certificate of disability.

Whenever any physician shall knowingly make and deliver a false certificate of physical disability concerning any member of the Militia who shall have been ordered out or summoned for active service, such phy-

Penalty.

sician shall thereby forfeit forever his license and right

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to practice in this state and shall be deemed guilty of perjury.

Section 12. COMMANDER-IN-CHIEF MAY ORDER ENROLLMENT.

Commander-in-chief may order enrollment by counties, when.

Whenever the Commander-in-Chief shall deem it necessary, in event of, or imminent danger of war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, he may order an enrollment by countries of all persons subject to military duty, designating the county assessor or some other person for each county to act as county enrolling officer. Each county enrolling officer may appoint such assistant or assistants as may be authorized by the Commander-in-Chief. In each county the enrollment shall include every sane, able-bodied male inhabitant not under sentence for an infamous crime, who is more than eighteen and less than forty-five years of age. The enrollment shall be made in triplicate and shall state the name, residence, age, occupation and previous or existing military or naval service of each person enrolled. When complete the rolls shall be verified under oath by the enrolling officer, who shall immediately thereupon file one copy with The Adjutant General of the State and another with the county clerk, retaining the third copy for himself.

County enrolling officer.

Enrollment, form and contents.

Section 13. NOTICE OF ENROLLMENT.

Notice of enrollment, service of.

Persons making an enrollment under this act, shall at the time of making same, serve a notice of such enrollment upon each person enrolled, by delivering such notice to him personally or by leaving it with some person of suitable age and discretion at his place of business or residence, or by mailing such notice to him at his last known place of residence, and shall make a return under oath of such service to accompany the copy of the enrollment filed with The Adjutant General. Such return shall be prima facie evidence of the facts therein shown.

Section 14. EXEMPTIONS.

Triplicate list of police and firemen to be furnished enrolling officer.

Whenever an enrollment shall have been ordered under this act, the commanding officer of existing organizations of militia, and the chiefs of all police and fire departments shall make and deliver to the enrolling officer of the county in which such organization and departments are stationed, verified lists in triplicate of the members of their respective commands and departments, and the enrolling officer shall mark "Exempt" opposite the names of all persons so listed, attaching one copy of each such list to each copy of the enrollment. The enrolling officers shall also mark "Exempt" opposite the

Exemptions to be noted opposite what names.

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Claims of exemptions.

names of all federal, state and county officers. All other persons claiming exemption must within fifteen days after service upon them of the notice of enrollment make a written verified claim in duplicate of such exemption and file the same in the office of the county clerk, who shall within five days thereafter forward one copy thereof with remarks and recommendations to The Adjutant General. Upon the expiration of the time within which any claim of exemption may be filed and received by The Adjutant General, the latter shall notify the county clerk of his decision in each case where exemption has been claimed, and the county clerk shall write upon the roll opposite the name of each person whose claim of exemption has been allowed by The Adjutant General, the word "Exempt." All those on the roll not marked "Exempt" shall be subject to military duty.

Adjutant General to notify county clerk of exemptions allowed, when.

Section 15. PENALTIES FOR DERELICTION OR FALSE CERTIFICATE.

Failure of officer to perform duty concerning enrollment.

If any officer or person, who becomes charged under this act with any duty relating to an enrollment of persons subject to military duty, refuses or neglects to perform the same within the time and substantially in the manner required by law, or if he shall knowingly make any fause certificate, or if, when acting as county or assistant enrolling officer, he shall knowingly or wilfully omit from the roll any person required by this act to be enrolled he shall thereby forfeit not less than one hundred nor more than five hundred dollars, to be sued for in the name of the State of Montana by the prosecuting attorney of the county in which such offense shall occur, the amount of the penalty to be determined by the court, and when recovered to be paid into the military fund of the State.

Penalty.

Section 16. COMPENSATION OF ENROLLING OFFICER.

Compensation of county enrolling officer.

Each county enrolling officer shall be allowed the sum of five cents per name enrolled and served with notice of enrollment by him or his assistants, to be audited and paid as other military bills out of any monies in the military fund not otherwise appropriated, and from such allowance he must pay his assistant or assistants.

Section 17. EXAMINATION OF ASSESSMENT ROLLS AND POLL LISTS.

Duty of civil officers concerning enrollment.

All civil officers in each county, city and town shall allow persons authorized under this act to make enrollments at all proper times, to examine their records and take copies thereof or information therefrom. It shall

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be the duty of every person, under the penalties provided in section fifteen of this act, upon application of any person legally authorized to make an enrollment, truthfully to state all of the facts within his knowledge concerning any individual of whom the enroller shall make inquiry. In event of a violation of this section the enroller shall report the facts to the prosecuting attorney, who shall at once proceed to enforce the penalty.

Duty of all persons to truthfully state facts.

Enforcement of penalty.

Section 18. SUITS AGAINST OFFICERS, OR ENLISTED MEN.

When any suit or proceeding shall be commenced in any court by any person against any military officer of the state for any act done by such officer in his official capacity in the discharge of any duty under this act or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the person prosecuting or instituting such suit or proceeding to file a cost bond running to the State of Montana of not less than $200.00, or such greater sum as may be fixed by the court on application therefor for the payment of costs that may be incurred by the defendant therein, and in case the plaintiff shall be non-suited or have the verdict or judgment rendered against him the defendant shall recover costs. The defendant in such action shall be defended by the Attorney General at the expense of the state, but private counsel may be employed by the defendant. No action shall lie against any officer or enlisted man for any acts done by him by virtue of any order which may hereafter be held invalid by any civil court.

Cost bond may be required in suits against officer.

Attorney General to defend officer.

When suit will not lie against member of militia.

Section 19. PERSONAL STAFF FOR GOVERNOR.

Whenever the Governor shall desire the attendance of a personal staff upon any ceremonial occasion, he shall detail therefor such officers as he may choose from the active list of the Organized Militia of Montana, resident in or nearest to the place where such ceremonies are to be held, and the officers detailed shall attend in uniform at the time and place designated and shall constitute the personal staff of the Governor for that occasion, reverting upon completion of such duty to their regular assignments.

Duty of officer when ordered by Governor to attend any ceremony.

Section 20. DUTIES OF ADJUTANT GENERAL.

The Adjutant General shall be ex-officio chief of staff. He shall hold office until his successor is appointed and qualified. He shall appoint the civilian employees of his department and may remove any of them in his discretion.

Adjutant General chief of staff.

Appointment of civil employees.

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Military expenses of Adjutant General's Department.

The expenses of The Adjutant General's Department, necessary to the military service, shall be audited, allowed and paid as other military expenditures are audited, allowed and paid. Before entering upon his official duties, The Adjutant General must execute an official bond running to the State of Montana in the penal sum of five thousand ($5,000.00) dollars conditioned upon the faithful performance of his duties, said bond to be submitted to the Attorney General for approval, and when approved to be filed in the office of the Secretary of State, the cost of said bond to be paid from the military fund of the state. The Adjutant General shall obtain and pay for, from the military fund, a surety company bond or bonds running to the State of Montana covering all of the officers of the Organized Militia of Montana responsible to the state for money or military property, such bond or bonds to be approved and filed in the same manner as The Adjutant General's bond.

Official bond.

Bonds of other officers.

Roster of officers and records.

1. The Adjutant General shall keep roster of all active, reserve and retired officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and shall submit to the Governor during December of each even numbered year a printed biennial report of the operations and conditions of the Organized Militia of Montana.

Printing of military laws and regulations.

2. He shall cause the mlitary law, the regulations of the Organized Militia of Montana and such other military publications as may be necessary for the military service to be printed, indexed and bound at the expense of the state and distributed to the commissioned officers of the Organized Militia of Montana.

To preserve military property.

3. He shall keep and preserve the books, arms, accoutrements, ammunition and other military property belonging to the state, not properly issued.

Monetary accounts.

4. He shall keep just and true accounts of all monies received and disbursed by him.

Attest commissions.

5. He shall attest all commissons issued to military officers of this state.

Reports required by Secretary of War.

6. He shall make out and transmit all militia reports, returns and communications prescribed by Acts of Congress or by direction of the Secretary of War.

Official seal and its uses.

7. He shall have a seal, and all copies, orders, records and papers in his office, duly certified and authenticated under said seal, shall be evidence in all cases in like manner as if the originals were produced. The seal now used in the office of The Adjutant General shall be the seal of his office and shall be delivered by him to his successor.

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All orders issued from his office shall be authenticated with said seal.

Regulations concerning reports and care of property.

8. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand.

Care and repair of military equipment.

9. He shall attend to the care, preservation, safe-keeping and the repairing of the arms, ordnance, accoutrements, equipment and all other military property belonging to the state, or issued to the state by the government of the United States for military purposes, and keep accurate accounts thereof. All military property of the state, which after proper inspection, shall be found unsuitable for use of the state shall be disposed of in such manner as the Governor shall direct and the proceeds thereof paid into the military fund of the state.

Disposition of unsuitable material.

Issuance and purchase of military property.

10. He shall issue such mlitary property as the necessity of the service requires and make purchases for that purpose. No military property shall be issued or loaned except upon an emergency to persons or organizations other than those belonging to the Organized Militia of Montana except to such portions of the Unorganized Militia as may be called out by the Governor.

To file reports in office.

11. He shall keep on file in his office the reports and returns of troops and heads of military departments, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the state militia.

Section 21. OFFICERS TO BE COMMISSIONED BY THE GOVERNOR.

Appointment of military officers.

All commissioned officers of the Organized Militia of Montana shall be appointed and commissioned by the Governor. No person shall be so appointed and commissioned unless he shall be a citizen of the United States and of this state and more than twenty-one years of age.

Term of office.

Every commissioned officer shall hold office under his commission until he shall have been regularly appointed and commissioned to another grade or office, or until he shall have been regularly retired, discharged, dismissed or placed in the reserve.

Section 22. COMMISSIONED OFFICERS.

Examination and appointment of commissioned officers.

No person shall be appointed and commissioned to any office in the Organized Militia of Montana unless he shall have been examined and adjudged qualified therefor by an examining board whose report shall have

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been approved by the authority appointing the board. The composition, appointment and procedure of examining boards and the nature and scope of examinations shall be prescribed by the laws or regulations of the United States or those of this state. Whenever a commissioned officer shall have been examined for promotion pursuant to this section and shall have been adjudged not qualified therefor, upon approval by the authority appointing the board of its report to that effect such officer shall be honorably discharged, retired or placed in the reserve as the Governor shall direct, or returned to his former rank and grade if otherwise by his record qualifies therefor in the opinion of the Governor.

Reduction in rank upon examination.

Section 23. THE ADJUTANT GENERAL OF THE STATE.

Adjutant General, appointment and rank.

Term of office.

There shall be an adjutant-general of the state who shall be appointed by the governor and shall have the rank of brigadier-general. He shall hold office at the pleasure of the governor and his commission shall expire with the term for which the governor appointing him shall have been elected. He shall perform the duties prescribed for him in this chapter and in the regulations now or hereafter issued thereunder and in the statutes of the United States now or hereafter enacted and such duties as pertain to the duties of the chiefs of staff departments.

Section 24. STAFF OFFICERS; HOW CHOSEN.

Vacancies, how filled.

Vacancies in commissioned grades in administrative staff, corps and departments shall be filled by detail or by appointment and commission as the Governor shall have prescribed in regulations conforming as nearly as practicable with federal laws and regulations governing the filling of similar vacancies in the federal service. PROVIDED, That no officer shall be detailed or appointed and commissioned to any such staff, corps or department without his written consent. The detail of an officer to a staff, corps or department shall not effect his grade, relative senority, or right of promotion in the branch or arm of the service from which he shall have been so detailed, and whenever during the continuance of such detail a vacancy shall occur in the branch or arm of the service from which such officer shall have been detailed for which vacancy he would have been eligible in the absence of such detail, he shall upon the termination of such detail and passing the required examination be appointed and commissioned in the grade of such vacancy with rank from the date of occurrence

Written consent of officer necessary to appointment or detail.

Detail not to affect officer's right to promotion.

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thereof. When an officer shall be relieved from detail with any staff, corps or department he shall be returned to the branch or arm of the service from which he was detailed and shall be assigned to fill the next vacancy therein of his rank and grade, and if there be no vacancy immediately available he shall be carried in the meantime upon the ctive list as "Unassigned."

Section 25. ELIGIBILITY FOR STAFF ASSIGNMENT.

Qualifications required of staff officers.

Staff officers of the National Guard of Montana, including officers of the Pay, Inspection, Subsistence and Medical Departments, hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the militia of this state. This section shall cease to be effective whenever its provisions shall not be required by federal law as a condition to participation by the state in federal appropriations.

Term of service and age of retirement.

Section 26. COMMISSIONED OFFICERS; SELECTION.

Competitive examination and appointment of junior officers.

Whenever a vacancy shall have occurred in the junior commissioned office of any company or similar unit of the National Guard of Montana, the person to be appointed and commissioned to fill such vacancy shall be selected by competitive examination in which all enlisted men of the branch or arm of the service wherein such vacancy shall have occurred, on duty at the station where it shall have occurred, shall be eligible to participate.

Section 27. COMMISSIONED OFFICERS; PROMOTION.

Filling vacancies in company office other than junior commissioned officers.

Whenever a vacancy shall have occurred in any commissioned office of a company or similar unit of the Organized Militia of Montana other than the junior commissioned office thereof, the same shall be filled by the assignment thereto of an officer of the same grade and branch or arm of the service resident of the station of said company or similar unit, or by the promotion of the senior officer of the next lower grade of the same branch or arm of the service resident at that station.

Section 28. COMMISSIONED OFFICERS; DETAIL TO STAFF.

Whenever a vacancy shall have occurred in the commissioned staff of any regiment, battalion, squadron or

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Filling of vacancies in commissioned staff of regiment, battalion, squadron or similar unit.

similar unit of the Organized Militia of Montana, the same shall be filled by the assignment thereto of an officer of the same grade and branch or arm of the service, or by the promotion of the senior officer of the next lower grade of the same unit.

Section 29. PROMOTION TO GRADE OF MAJOR.

Vacancies in grade of major to be filled, how.

Whenever a vacancy shall have occurred in the grade of major in the line of the National Guard of Montana, the same shall be filled as follows:

1. In any battalion, squadron or similar unit whose elements are all at one station, by the assignment of the senior major of the line of the same branch or arm of the service resident at that station who shall have no command wholly located within said station, or, if there be no such major, by the promotion of the senior captain in the same branch or arm of the service resident at said station.

2. In any battalion, squadron or similar unit whose elements are not all at one station, by the promotion of the senior among the captains of the same branch or arm of the service resident at the various stations of such command.

Section 30. PROMOTION TO GRADE OF LIEUTENANT COLONEL AND COLONEL.

Vacancy in grade of colonel or lieutenant-colonel to be filled, how.

Whenever a vacancy shall have occurred in the grade of colonel or lieutenant colonel in any regiment or similar unit of the National Guard of Montana, it shall be filled by promotion of the next senior officer of such command, except in those cases where the law provides for the assignment thereto of officers relieved from detail with staff corps and departments.

Section 31. PROMOTION TO GRADE OF BRIGADIER GENERAL OF THE LINE.

Vacancy in grade of brigadier general to be filled, how.

Whenever a vacancy shall have occurred in the grade of brigadier general of the line of the National Guard of Montana, it shall be filled by the promotion of an officer of the line of the National Guard of Montana of the next lower grade of the same branch or arm of the service.

Section 32. PROMOTION WHILE IN THE SERVICE OF THE UNITED STATES.

Whenever a vacancy shall have occurred in any commissioned grade, other than the lowest commissioned grade, of any regiment, separate battalion or squadron, separate company or similar separate unit of the National Guard of Montana while in the service of the United States, such vacancy shall be filled by the promo-

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tion of the senior officer of the next lower grade on duty with such command who shall not in writing have waived such promotion. Every vacancy in the lowest commissioned grade in any such command while in such service shall be filled by the promotion of an enlisted man of such command upon the written recommendation of its commanding officer:

PROVIDED, That any vacancy in any such command while in such service in any commissioned grade below that of major may be filled, upon the written recommendation of the commanding officer of such command, by the transfer, assignment or appointment of any officer of the National Guard, or National Guard Reserve, of this state.

Section 33. OFFICER MAY WAIVE RIGHT TO PROMOTION.

Any officer of the Organized Militia of Montana may, in writing, waive his right to any promotion to which his seniority shall entitle him, in which event the next senior officer who shall not in writing have waived such promotion shall be entitled thereto.

Section 34. OFFICER TO TAKE OATH.

Every officer, duly commissioned or warranted shall within such time as may be provided by law or by regulations, take the oath of office prescribed by law, and give bond, if required. In case of neglect or refusal so to do, he shall be considered to have resigned such office and a new appointment may be made as provided by law.

Section 35. OATH, FORM OF.

Oath of office.

The Oath of office for commissioned officers in the Organized Militia of Montana shall be substantially as follows: "I,.....do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Montana, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of Montana; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of .....in the National Guard of the United States and of the State of Montana upon which I am about to enter, so help me God."

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Section 36. DISMISSAL OF OFFICERS.

Governor may dismiss any commissioned officer for what reasons.

The Governor may dismiss any commissioned officer of the Organized Militia of Montana for any of the following reasons:

(1) Conviction of an infamous crime.

(2) Absence from his command for more than thirty days without proper leave.

(3) Sentence of dismissal by court-martial, duly approved.

Discharge of commissioned officer.

And the Governor may discharge any commissioned officer of the Organized Militia of Montana for any of the following reasons:

(1) Upon muster out of the organization to which such officer is then assigned.

(2) Acceptance of resignation of such officer:

PROVIDED, That no officer shall be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he shall have turned over to his successor or satisfactorily accounted for all state and federal monies, and military property for which he shall have been accountable or responsible.

(3) Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office.

(4) Incompetence or unfitness for military service as determined by the duly approved findings of an efficiency board appointed for that purpose.

Section 37. SENIORITY OF OFFICERS.

Numbers to be assigned to commissioned officers in order of seniority.

Upon the date this act becomes effective, or as soon thereafter as practicable, it shall be the duty of the Commander-in-Chief to assign to each commissioned officer of the active list of the National Guard of Montana a number, assigning to the senior officer of each grade number one and continuing lineally thereafter in such grade in order of seniority as of the date of commission in the grade held by each officer on the day this act becomes effective.

Seniority in grade, to be determined, how.

Thereafter seniority in any given grade shall be determined by the greatest length of continuous service as an officer of the National Guard of Montana, said service to be calculated from the day this act becomes effective. If two or more officers of the same grade have equal length of continuous service as commissioned officers of the National Guard of Montana calculated from the date this act becomes effective, seniority between them shall be determined in the grade held by them by service as officers of the active list

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performed subsequent to the date this act becomes effective. The rank of any officer who shall receive his first commission in the National Guard of Montana after this act becomes effective, shall be determined in the grade to which appointed by length of service as an officer of the active list, performed subsequent to the date this act becomes effective

Rank of officers hereafter commissioned to be determined, how.

Section 38. RETIREMENT OF OFFICERS.

Commissioned officers of the National Guard of Montana shall be retired by order of the Commander-in-Chief with the grade and rank respectively held by them at the time of such retirement for the following reasons:

Grade to be held by commissioned officer retired for reasons following.

(1) Upon reaching the age of 64 years.

(2) Unfitness for military service by reason of physical disability.

(3) Upon request after at least five years continuous service as officers in the National Guard of Montana.

Retired officers shall draw no pay or allowance except when on duty.

No pay to retired officer excepting while on duty.

They shall be subject only to temporary detail by the Commander-in-Chief and while on duty shall receive the same pay and allowances as officers of the same rank on the active list. On all occasions of duty or ceremony retired officers shall take rank next below officers of the same grade on the active list.

Section 39. RESERVES.

The National Guard Reserve of this state shall respectively be organized by the Governor in regulations conforming with the laws, rules and regulations of the United States. It shall consist of such organization, officers and enlisted men as the Governor shall prescribe. No commissioned officer shall be transferred or furloughed to the National Guard Reserve without his written consent, except as otherwise expressly provided by law. Officers of the retired list of the Organized Militia of Montana may be transferred to the National Guard Reserve, under such regulations as the Governor may prescribe. Any officer of the National Guard Reserve may be restored to the active list by order of the Governor, subject to the same examination as in the case of an original appointment to his grade, and in such event his service in reserve shall not be counted in computing total length of service for relative seniority.

National Guard Reserve shall be organized, how.

To consist of whom.

Retired officers may be transferred to, how.

May be restored to active list, when and by whom.

Effect of restoration.

Section 40. PERIOD OF ENLISTMENT.

Hereafter the period of enlistment in the National Guard of Montana shall be for six years; the first three years of which shall be in an active organization and the

Period of enlistment.

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remaining three years in the National Guard Reserve. Qualifications for enlistment or re-enlistment and the forms of oaths and contracts of enlistment or re-enlistment shall be as prescribed by the Governor in accordance with federal laws and regulations. In the National Guard, the privilege of continuing in active service during the whole of an enlistment period, and of re-enlisting in said service shall not be denied by reason of anything contained in this act.

Conditions of enlistment to be prescribed by Governor.

Continuance in active service and reenlistment in National Guard.

Term of service considered continuous, when.

Provided, When a man re-enlists in the Organized Militia of Montana within thirty days from the date of the expiration of his prior enlistment, or within thirty days from the date of his discharge, his term of service shall be considered as continuous, and shall be so dated;

PROVIDED, That in time of peace, a man who enlists in the Montana National Guard shall have been a resident of the State of Montana for the period of one year prior to his enlistment, unless he holds an honorable discharge from some branch of the Military or Naval service of the United States or from the United States Marine Corps.

Section 41. DISCHARGE OF ENLISTED MEN.

Discharge of enlisted men from militia.

An enlisted man discharged from service in the Organized Militia of Montana shall receive a discharge in writing in such form and of such classification as is or shall be prescribed by law or regulations, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by competent authority.

In time of peace.

Section 42. UNIFORM ALLOWANCE OF OFFICERS.

Commissioned officers to provide their own uniforms.

Every commissioned officer of the Organized Militia of Montana shall within sixty days from the date of the order whereby he shall have been appointed, provide himself at his own expense, with the arms, uniforms and equipments prescribed by the Governor for his rank and assignment.

Allowance for uniforms.

There shall be audited and paid annually on the first day of April in each year, to each properly armed, uniformed and equipped officer of the active service of the Organized Militia of Montana, a uniform allowance of thirty-five ($35.00) dollars for dismounted officers and fifty ($50.00) dollars for mounted officers.

Section 43. PROPERTY TO REMAIN PUBLIC PROPERTY.

Property issued to militia to remain public.

All property issued to organizations and members of the organized Militia of Montana shall be and remain public property.

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Section 44. UNIFORMS, ETC. EXEMPT.

Property exempt from execution and taxation.

The military uniforms, arms, equipment and mounts of members of the Organized Militia of Montana shall be exempt from execution and taxation.

Section 45. CLAIMS AGAINST NATIONAL GUARD APPROPRIATION.

Settlement of claims and demands against National Guard appropriation.

All bills, claims and demands against the National Guard appropriation shall be certified or verified in the manner prescribed by regulations promulgated by the Governor and shall be audited and approved by the Adjutant General and, if allowed, by the State Board of Examiners, shall be paid by the State Treasurer upon the warrant of the State Auditor from the National Guard appropriation.

Warrants for pay and expenses, how drawn.

PROVIDED, HOWEVER, That in all cases, where the Organized Militia or any part thereof is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, or in aid of the civil authorities, warrants for allowed pay and expenses for such service shall be drawn upon the general fund of the State Treasury and paid out of any monies in said fund, on the order of the Governor.

Section 46. BUYING AND RECEIVING STATE PROPERTY PROHIBITED.

Buying or receiving military property prohibited.

If any person shall purchase or receive in pawn or pledge any military property of the State of Montana or of the United States, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to imprisonment not exceeding one year, or fined not exceeding three hundred dollars or by both such fine and imprisonment.

Section 47. PAY OF OFFICERS AND ENLISTED MEN.

Pay of commissioned officers on active duty.

Commissioned officers while on duty pursuant to the orders of the Governor (other than at assemblages for drill or instruction or on examining boards at or in the vicinity of their home stations or when called or ordered out by the President of the United States) and while on duty in aid of the civil authorities pursuant to the lawful orders of the Governor, shall receive the same pay and allowances as officers of the United States of the same grade:

Actual traveling expenses.

PROVIDED, That for travel only actual necessary expenses shall be allowed.

While on duty pursuant to the orders of the Governor (other than at assemblages for drill or instruction at or in the vicinity of their home stations or when called

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Pay of enlisted men on active duty.

or ordered out by the President of the United States) and while on duty in aid of the civil authorities pursuant to the lawful orders of the Governor, enlisted men of the National Guard of Montana shall receive pay at rates equivalent to twice those allowed for corresponding grades in the United States Army.

Pay for first thirty days of tour of duty.

This schedule of pay shall apply only to the first thirty days of any tour of duty and after the thirtieth day of any such tour, officers and men shall receive the pay and allowances of officers and men in the regular service of the United States of corresponding organizations and grades.

Disbursement of money as additional pay allotted by Federal government.

In addition to the pay herein provided the Governor, or such other official as may be designated by federal authority, is authorized to receive and disburse, in accordance with federal laws and regulations, any monies which may be appropriated by the Congress of the United States and allotted to the State of Montana for the payment of officers and enlisted men of the Organized Militia as reimbursement for expenses incurred in, and compensation for, the time devoted to military training during times of peace.

Section 48. PENSIONS.

Care of injured or disabled, and pensions.

Every member of the Organized Militia of Montana who shall be wounded or disabled while on duty in the service of the state shall be taken care of and provided for at the expense of the state, and if permanently disabled, shall receive the like pensions or rewards that persons under similar circumstances in the military service of the United States receive from the United States.

State to pay no pension while soldier in Federal service.

Proof required before pension is paid.

PROVIDED, That no pension shall be granted for any disability received while in the service of the United States, or while proceeding to or returning from such service. Before the name of any person is placed upon the pension roll under this section proof shall be made, under such regulations as the Governor shall from time to time prescribe, that the applicant is entitled to such pension.

Section 49. CAMP DUTY.

Annual camp duty.

The Governor shall cause the Organized Militia of Montana to perform for at least five consecutive days in each year camp duty, field maneuvers or such other duty as in his judgment will best promote the discipline and efficiency of the force.

Section 50. EXEMPTION FROM ARREST.

Exemption from arrest.

No person belonging to the military forces of this state shall be arrested under any civil process while

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going to, remaining at, or returning from any place at which he may be required to attend military duty. Any members of the Organized Militia parading, or performing any duty according to the law shall have the right-of-way in any street or highway through which they may pass and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will be caused thereby;

Right of way.

Entry upon inclosures.

PROVIDED, That the carriage of the United States mail and the legitimate functions of the police and the progress and operations of fire departments shall not be interfered with thereby.

Shall not interfere with what.

Section 51. INTERFERENCE WITH EMPLOYMENT.

A person, who either by himself, or with another, wilfully deprives a member of the Organized Militia of Montana of his employment or prevents, by himself or another such member being employed, or obstructs or annoys said member or his employer in his trade, business or employment, because he is such member or dissuades any person from enlisting in said Organized Militia by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisonment in the county jail not more than thirty days or shall suffer both such fine and imprisonment.

Interference by anyone with militiaman in his employment, etc.

Obstructing employment of militiaman.

Misdemeanor.

Penalty.

Section 52. ALLOWANCES FOR INCIDENTAL EXPENSES.

Each Commanding officer shall be entitled to receive an allowance for the incidental expenses of his command payable quarterly in advance according to the following schedule: Companies troops, batteries, and like units not to exceed fifty ($50.00) dollars per month; bands not to exceed ten ($10.00) dollars per month; regiments and like units not to exceed twenty-five ($25.00) dollars per month.

Incidental expenses.

For the first quarter of each biennial period each officer entitled to a quarterly allowance under this section shall be entitled to receive in advance the maximum allowance in full, but with his claim therefor he shall make remittance of the balance, if any, remaining unexpended from the last previous quarter, such remittance to be transmitted by The Adjutant General to the State Treasurer, and for each succeeding quarter of each biennial period, each such officer shall be entitled to receive such sum, not more than the maximum allowance above pre-

Quarterly allowance and remittance of unexpended balance.

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scribed, as he shall have expended for authorized expenses of his command during the next preceding quarter. Each claim for quarterly allowance shall include an account current showing the items of expenditure and shall be accompanied by subvouchers for all items, each voucher stating definitely the nature and amount of the expenditure evidenced thereby.

Claim for quarterly allowance and vouchers.

Section 53. TRANSPORTATION AND SUBSISTENCE.

Transportation and subsistence.

There shall be provided by the state transportation for all officers and transportation and subsistence for all enlisted men who shall be ordered out for encampment, field duty, or stated parades, or assembled for duty in case of riot, tumult, breach of the peace, war, insurrection, invasion or imminent danger thereof. Necessary transportation, quartermasters' stores and subsistence for troops when ordered on duty shall be contracted for by the proper officers and paid for as other military bills.

Contract for.

Per diem allowance for mounted men and officers.

There shall be allowed from the military fund for each day's service the sum of two ($2.00) dollars per man for each horse for every mounted officer, and mounted orderly, and all members of such other organizations of the National Guard of Montana as are required to be mounted. Horses not furnished by officers or men shall be rented by the state at a cost not exceeding two ($2.00) dollars per day for each horse.

Renting of horses.

Section 54. AUTHORITY OF COMMANDING OFFICER.

Authority of commanding officer.

The commanding officer at any drill, parade, encampment or other duty may cause those under his command to perform any military duty he shall require, and may place in arrest for the time of such drill, parade, encampment or other duty any officer or enlisted man who shall disobey the orders of his superior officer, or in any way interrupt the exercises, and any other person or persons who shall trespass on the camp grounds, parade grounds, rifle range or armory, or in any way or manner interrupt or molest the orderly discharge of duty of those on duty, or who shall disturb or prevent the passage of troops going to or returning from any regularly ordered tour of duty; and he shall prohibit and prevent the sale or use of all spirituous liquors, wines, ale, or beer, or holding of huckster or auction sales, and all gambling, and remove disorderly persons beyond the limits of such parade or encampment, or beyond a distance of two miles therefrom, and he shall abate as common nuisances all disorderly places, and all such sales within such limits.

Trespassing civilians.

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Any person violating any of the provisions of this section, or any order issued in pursuance therof, shall be guilty of a misdemeanor, and may be delivered at or before the termination of such duty to any peace officer, and shall be brought before the nearest court of competent jurisdiction for trial, and upon conviction thereof shall be fined not more than one hundred ($100.00) dollars, or imprisoned not more than thirty days, or shall suffer both such fine and imprisonment.

Misdemeanor.

Penalty.

Section 55. WARNING FOR DUTY.

Orders for duty may be oral or written. Officers and enlisted men may be warned for duty as follows: Either by stating the substance of the order, or by reading the order to the person warned, or by delivering a copy of such order to such person, or by leaving a copy of such order at his last known place of abode or business, with some person of suitable age and discretion, or by sending a copy of such order or notice containing the substance thereof, to such man by mail, directed to him at his last known place of abode or business. Orders may be transmitted by telegraph or telephone. Such warning may be given by any officer or enlisted man. The officer or enlisted man giving such warning shall, when required, make a return thereof, containing the names of persons warned and the time, place and manner of warning. Such returns shall be verified on oath and shall be prima facie evidence, on the trial of any person returned as a delinquent, of the facts therein stated.

Orders or warnings for duty.

May be given by whom.

Return of warnings.

Section 56. MILTIARY TRIBUNALS.

The military tribunals of the State of Montana shall be of two kinds, viz:

Kinds of military tribunals.

1. Courts-martial for the trial of offenders against the military law, and

2. Courts of inquiry for examining transactions of, or accusations or imputations against, officers or enlisted men of the Organized Militia of Montana.

All such courts shall be composed of commissioned officers only. All commissioned officers of the Organized Militia of Montana shall be eligible for detail to such courts, but no officer will be detailed for the trial of an officer superior to himself in rank when it can be avoided.

Courts shall be composed of whom.

Section 57. MILITARY COURTS.

The Military Courts of the Organized Militia of the State of Montana shall be of the following classes:

Courts-martial.

1. General Courts-Martial.
2. Special Courts-Martial.

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3. Summary Courts-Martial.

Powers, jurisdiction and procedure.

They shall be respectively constituted like and have cognizance of the same subjects and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations of the United States, and the proceedings of such courts shall follow the forms and modes of procedure prescribed for similar courts by the law and regulations of the United States. They

May be convened, how, and for what purposes.

may be convened by order specifying that they shall sit either for the trial of specified offenses or offenders or for the trial of all offenses or offenders that may be lawfully brought before them either during a specified period of time or until further order of the convening or superior authority.

Section 58. GENERAL COURTS-MARTIAL.

General courts-martial may be announced, how, and consist of whom.

General courts-martial may be convened by order of the Governor and may consist of any number of officers from five to thirteen, inclusive. The decision of the appointing authority as to the number of officers to compose such court shall be conclusive. When from any

When number is reduced below minimum.

cause a general court-martial is reduced below the minimum of five officers, the remaining number will direct the Judge Advocate to report the fact to the convening

Powers of court.

authority and await further orders. Such courts shall have the power and jurisdiction to impose fines not exceeding two hundred ($200.00) dollars; to sentence to forfeiture of pay and allowances; to reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; to reduction in rank or rating; or any two or more of such punishments may be combined in the sentence imposed by such courts.

Section 59. SPECIAL COURTS-MARTIAL.

Special courts-martial may be appointed by whom.

In the National Guard of Montana the commanding officer of each garrison, post, camp or other place, brigade, regiment, detachment, battalion or other detached command, may appoint special courts-martial for his command but such special courts-martial may in any case be appointed by a superior authority when by the latter deemed desirable. Special courts-martial shall

Powers.

have the power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or of the State of Montana, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such special courts-martial shall not exceed

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one hundred ($100.00) dollars. Such special courts-martial shall consist of any number of commissioned officers from three to five, inclusive. Number to compose court.

Section 60. SUMMARY COURT OFFICER.

The commanding officer of each garrison, fort, post or other place, regiment or corps, detached battalion, company or other detachment of the National Guard of Montana, may appoint for such place of command a summary court to consist of one (1) officer, who shall have power to administer oaths and try enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five ($25.00) dollars for any single offense, may sentence non-commissioned officers to reduction to the ranks, may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for similar courts of the regular army of the United States. Summary court may be appointed by whom, and consist of whom. Powers. Penalties which may be imposed. Proceedings and minutes.

Section 61. SENTENCE TO CONFINEMENT.

All military courts of the Organized Militia of Montana shall have power to sentence to confinement in lieu of fines authorized to be imposed: Courts may impose confinement instead of fines.

PROVIDED, That such sentence of confinement shall not exceed one day for each dollar of fine authorized. Limit of term of confinement.

Section 62. SENTENCE, WHEN TO BE APPROVED BY GOVERNOR.

No sentence of dismissal or dishonorable discharge from the service of the Organized Militia of Montana not in the service of the United States, imposed by any military court, shall be executed until approved by the Governor. Sentences which require approval of Governor.

Section 63. JURISDICTION OF MILITARY COURTS.

Military courts shall have jurisdiction, subject to the limitations imposed by law, at all times and in all places, over officers and enlisted men of the Organized Militia of Montana, and over members of the Unorganized Militia of Montana who shall be under orders for military duty, for all military offenses. Jurisdiction of courts-martial.

Section 64. EVIDENCE IN MILITARY COURTS.

Every military court shall have the same power to compel by subpoena, by subpoena duces tecum, and by attachment the attendance of witnesses, both civilian and military, and the production of books, papers and documents, and to punish for contempt a witness duly subpoenaed for non-attendance or refusal to be sworn or May compel production of evidence, how.

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Depositions of witnesses.

testify, or to produce books, papers and documents as is possessed by the superior courts of this state. Military courts shall also have power to take or cause to be taken the depositions of witnesses who cannot reasonably be produced at the trial to the same extent as the superior courts aforesaid.

Section 65. WITNESSES.

Misdemeanor for any lay witness subpoenaed to refuse to attend and testify, or any civil officer to refuse or neglect to serve processes.

Every person not belonging to the Organized Militia of Montana who, having been duly subpoenaed to appear as a witness before a military court, shall have wilfully neglected or refused to appear or refused to qualify as a witness or to testify or produce documentary evidence which such person shall have been legally subpoenaed to produce, and every sheriff, constable, or jailor who shall have received a lawful writ, mandate, subpoena or other process of any military court, and who shall have refused or wilfully or negligently failed to execute or serve the same shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the State of Montana; and it shall be the duty of the prosecuting attorney of any county, on the certification of the facts to him by the president or senior member of the court, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court;

Shall be punished in what court.

Duty of prosecuting attorney.

Witness need not answer, when.

PROVIDED, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

Section 66. PROCESS.

Military courts may issue what processes.

Writs may be directed to whom.

Duty of officer.

Military courts are empowered to issue all processes and mandates including writs and warrants necessary and proper to carry into full effect the powers vested in said courts. Such writs and mandates may be directed to the sheriff of any county or the constables or marshals of any precinct, city or town, and shall be in such form as may, from time to time, be prescribed in regulations. It shall be the duty of all such officers to whom any such process or mandate may be so directed to forthwith execute the same and make return of their acts thereunder, according to the requirements of such process or mandate.

County and city jails to confine persons sentenced.

The keepers and wardens of all county and city jails shall receive the bodies of persons committed by the process or mandate of any military court, and shall confine them in the manner prescribed

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thereby and according to law. Any person may be committed to any county or city jail for failure to pay any fine under this act and when so committed shall be credited upon each fine and assessed with the sum of one dollar for each day so confined.

Commitment to county jail for not paying fine.

Section 67. CONTEMPT OF COURT.

Any person who shall be guilty of disorderly, contemptuous or insolent behavior in, or who shall use any insulting, or contemptuous, or indecorous language or expression to or before any military court, or any member of such court in open court, tending to interrupt its proceedings, or to impair the respect due to its authority, or who shall commit any breach of the peace, or make any noise or other disturbances, directly tending to interrupt its proceedings, may be committed by warrant under the hand of the president of the court, to the jail of the city or county in which said court shall sit, there to remain without bail in close confinement, for a definite period not exceeding three days.

What constitutes contempt of court.

Punishment.

Section 68. FEES AND MILEAGE.

Fees and mileage allowed for the service of process and for civilian witnesses shall be the same as in civil actions. All expenditures necessary to carry the provisions of this act into effect are hereby authorized to be incurred and paid out of the appropriations for the maintenance of the Organized Militia of Montana.

Fees, mileage and expenses.

Section 69. "OFFICER" AND "ENLISTED MAN" DEFINED.

Whenever used in the military code of the State of Montana and throughout this act the word "Officer" shall be understood to designate commissioned officers, and the words "Enlisted men" shall be understood to designate members of the Organized Militia of Montana other than commissioned officers. The convictions and punishments mentioned in the military code of the State of Montana and in this act, unless otherwise specifically designated, shall be understood to be respectively convictions and punishments by military courts.

Definitions.

Section 70. RULES AND ARTICLES GOVERNING THE ORGANIZED MILITIA.

The Organized Militia of Montana shall be governed by the following articles:

Article 1. Any officer who knowingly musters as an enlisted man a person who is not an enlisted man shall be deemed guilty of knowingly making a false muster, and punished accordingly.

Rules and articles governing militia.

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Article 2. Every officer who knowingly makes a false return to any of his superior officers authorized to call for such returns, of the state of the organization under his command, or of the arms, ammunition, clothing or other stores for which he shall be responsible or accountable, shall, on conviction thereof before a court-martial, be dismissed.

Article 3. Every officer shall be charged with the arms, accoutrements, ammunition, clothing and other military stores for which he shall have given his receipt in writing, and shall be responsible in case of their being lost, spoiled or damaged otherwise than by unavoidable accident, or on actual service.

Article 4. Every officer who signs a false certificate relating to the absence or pay of an officer or enlisted man shall be dismissed from the service.

Article 5. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll, knowing the same to contain a false muster, shall, upon proof thereof by two witnesses before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the military service of the State of Montana.

Article 6. Any officer, who wilfully or through neglect, suffers to be lost, spoiled or damaged, any military stores belonging to the United States or the State of Montana, shall make good the loss or damage, and shall suffer such punishment as a court-martial may direct.

Article 7. Any enlisted man who sells, or willfully, or through neglect wastes the ammunition delivered to him shall be punished as a court-martial may direct.

Article 8. Any enlisted man who sells, or through neglect loses or spoils any military property of the United States or the State of Montana shall be punished as a court-martial may direct.

Article 9. Any officer or enlisted man who behaves himself with disrespect to his commanding officer shall be punished as a court-martial may direct.

Article 10. Any officer or enlisted man who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer such punishment as a court-martial may direct.

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Article 11. Any officer or enlisted man who begins, excites, causes, or joins in any mutiny or sedition, shall suffer such punishment as a court-martial may direct.

Article 12. Any officer or enlisted man who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition does not, without delay, give information thereof to his commanding officer, shall suffer such punishment as a court-martial may direct.

Article 13. Every officer shall have power to part and quell all quarrels, frays and disorders, whether among persons belonging to his own or another organization and to order officers into arrest, and enlisted men into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or draws a weapon upon him, shall be punished as a court-martial may direct.

Article 14. Any enlisted man who thinks himself wronged by any officer may complain to the immediate commander of said officer, who shall examine into said complaint and take proper measures.

Article 15. Any enlisted man who absents himself from duty without leave shall be punished as a court-martial may direct.

Article 16. Any officer or enlisted man who fails, except when prevented by sickness or other necessity, to repair at the fixed time to the appointed place of parade, exercise or other rendezvous, or goes from the same without leave, before he is dismissed or relieved, shall be punished as a court-martial may direct.

Article 17. No enlisted man shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every enlisted man found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

Article 18. Every non-commissioned or petty officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Article 19. Any officer who is found drunk on duty shall be dismissed from the service. Any enlisted man who so offends shall suffer such punishment as a court-martial may direct.

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Article 20. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer such punishment as a court-martial may direct.

Article 21. Any officer, who by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer such punishment as a court-martial may direct.

Article 22. Any officer or enlisted man who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post or guard which he is commanded to defend, or speaks words inducing another to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer such punishment as a court-martial may direct.

Article 23. Every enlisted man who deserts, shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such enlisted man shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

Article 24. Any officer, who having tendered his resignation, quits his post, or proper duties, without leave and with intent to remain permanently absent therefrom prior to notice of acceptance of the same, shall be deemed and punished as a deserter.

Article 25. Any officer or enlisted man who advises or persuades another officer or enlisted man to desert shall suffer such punishment as a court-martial may direct.

Article 26. All officers and enlisted men are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, or maliciously destroys any property whatsoever belonging to inhabitants of the United States or of the State of Montana, shall, besides such other penalties as he may be liable by law, be punished as a court-martial may direct.

Article 27. Any member of the Organized Militia of Montana

(1) Who makes or causes to be made any claim against the United States or the State of Montana, or any officer thereof, knowing such claim to be false or fraudulent; or

(2) Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States

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or the State of Montana, or any officer thereof, knowing such claim to be false or fraudulent; or

(3) Who enters into any agreement or conspiracy to defraud the United States or the State of Montana, by obtaining or aiding others to obtain the allowance or payment of any false or fraudulent claim; or

(4) Who, for the purpose of obtaining or aiding others to obtain, the approval, allowance or payment of any claim against the United States of the State of Montana, or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing or other paper; knowing the same to contain any false or fraudulent statement; or

(5) Who, for the purpose of obtaining or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Montana, or any officer thereof, makes, or procures or advises the making of, any oath to any pact or to any writing or other paper, knowing such oath to be false; or

(6) Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Montana, or any officer thereof, forges or counterfeits, or procures or advises the forgery or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

(7) Who, having charge, possession, custody or control of any money or other property of the United States or the State of Montana, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

(8) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the State of Montana, furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States or the State of Montana; or

(9) Who steals, embezzles, knowingly and wilfully misappropriates, applies to his own use or benefit, or wrongfully sells or disposes of any ordnance, arms, ammunition, equipments, clothing, subsistence, stores, money or other property of the United States or of the State of

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Montana, furnished or intended for the military service thereof; or

(10) Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any enlisted man, officer or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence, stores, or other property of the United States or the State of Montana, such enlisted man, officer or other person not having lawful right to sell or pledge the same;

Shall on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may direct or by any or all of said penalties.

And if any person having committed any of the offenses aforesaid while a member of the Organized Militia of Montana, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

Article 28. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service. All crimes not capital and all disorders and neglects, of which officers and enlisted men may be guilty, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles, may be taken cognizance of by a court-martial as provided herein, according to the nature and degree of the offense and punished at the discretion of such court.

Article 29. When an officer is put in arrest for the purpose of trial, the officer by whose order he is arrested shall see that a copy of the charge on which he is to be tried is served upon him within ten days after his arrest and that he is brought to trial within twenty days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said twenty days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provision of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

Article 30. For each general or special court-martial of the National Guard the Governor shall appoint a Judge Advocate.

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Article 31. When the requisite number of officers to form a general court-martial is not present at any station or detachment the Governor shall in cases which require the cognizance of such court, thereupon order a court to be assembled at the nearest place where such trial can be conveniently held, and shall order the accused, with necessary witnesses to be transported to the place where the said court shall be assembled.

Article 32. Officers shall be tried only by general court-martial.

Article 33. The Judge Advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation:

"You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you between the State of Montana and the person to be tried, and that you will duly administer justice, without partiality, favor or affection, according to the provisions of the rules and articles for the government of the Organized Militia of the State of Montana, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority, except to the Judge Advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in due course by the same, So help you God."

Article 34. When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the Judge Advocate an oath or affirmation in the following form:

"You, A. B., do swear (or affirm) that you will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed by the same, So help you God."

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form:

"You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the

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whole truth, and nothing but the truth. So help you God."

Every reporter of the proceedings of a court-martial shall, before entering upon his diuties, make oath or affirmation in the following form:

"You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form:

"You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

In case of affirmation the closing sentence of adjuration will be omitted.

Article 35. A court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder.

Article 36. All members of a court-martial are to behave with decency and calmness.

Article 37. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof and shall not receive a challenge to more than one member at a time.

Article 38. When a prisoner, arraigned before a court-martial, from obstinacy and deliberate design, stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had pleaded not guilty.

Article 39. The Judge Advocate shall prosecute in the name of the State of Montana, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading questions to any witness, and to any question to the prisoner the answer to which might tend to incriminate himself.

Article 40. All persons who give evidence before a military court shall be examined on oath, or affirmation in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Article 41. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often as may appear to be just.

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Article 42. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

Article 43. When a court-martial suspends an officer from command it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Article 44. No person shall be tried a second time for the same offense.

Article 45. No person shall be liable to be tried and punished by a court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

Article 46. No sentence of a general court-martial shall be carried into execution until the same shall have been approved by the Governor.

Article 47. Every Judge Advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance may admit, forward the original proceedings and sentence of such court to The Adjutant General.

Article 48. Every person tried by a general court-martial shall, upon proper demand therefor be entitled to a copy of the proceedings and sentence of such court.

Article 49. A court of inquiry to examine into the nature of any transaction of, or accusation or imputation against, any officer or enlisted man may be ordered by the Governor, and shall make a report of its findings to the Governor within twenty days after its inquiry.

Article 50. The recorder or judge advocate of a court of inquiry shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God."

After which the president of the court shall administer to the recorder or judge advocate the following oath:

"You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God."

Article 51. A court of inquiry, and the recorder or judge advocate thereof, shall have the same power to summon and examine witnesses as is given to general courts-

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martial and the judge advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before general courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as to fully investigate the circumstances in question.

Article 52. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

Article 53. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder or judge advocate and the president thereof and delivered to The Adjutant General or convening authority.

Article 54. The proceedings of a court of inquiry may be admitted as evidence by a court-martial in cases not extending to the dismissal of an officer:

PROVIDED, That the circumstances are such that oral testimony can not be obtained.

Article 55. If, upon marches, or in quarters, different organizations of the National Guard of Montana, happen to join or do duty together, the officer highest in rank of the line by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful in the service, unless otherwise specially directed by the Governor, according to the nature of the case.

Article 56. In case of death of any enlisted man, his commanding officer shall immediately secure all his effects in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of The Adjutant General.

Section 71. RIFLE RANGES.

Rifle ranges to be equipped and maintained.

Under the direction of the Governor, The Adjutant General shall, at the expense and in the name of the state buy or lease, establish, equip, maintain and control such rifle ranges and issue such ammunition, transportation and supplies as may be necessary to provide each organization of the Organized Militia of Montana with adequate means and opportunity for thorough instruction in rifle practice.

Section 72. ARMORIES.

County commissioners authorized to provide armory, when and where.

The Board of County Commissioners of any County in the State of Montana in which a company or companies of Montana National Guard shall be organized and regularly stationed in such county, is hereby authorized to erect and provide in cities of ten thousand population or more, an armory of sufficient size and suitable for the drill of such company or companies and the preservation and keeping of the arms and equipment of such company or

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companies, and any city of ten thousand or more in population in Montana is hereby authorized and empowered to bear a pro rata part of the expense of erection and providing said armory as may be agreed upon by the Board of County Commissioners of said city.

Section 73. EXEMPT FROM ALL JURY DUTY AND PAYMENT OF POLL TAX.

Exemption from jury service.

Every commissioned officer and every enlisted man of the National Guard of Montana shall be exempt from all jury duty, and from the payment of poll tax, or head tax, of every description, during the term of his service in the National Guard.

Section 74. TRAVEL ON RAILROAD NOT TO EXCEED ONE CENT PER MILE.

Railroads required to transport militia at what rate.

From and after the passage and approval of this Act all Railroads or Railroad companies operating and doing business in the State of Montana shall carry the troops of the State of Montana, or officers or enlisted men thereof, while in the performance of their military duties within the state, at a rate of not to exceed one cent per mile.

Section 75. PRIZES FOR MARKMANSHIP.

Marksmanship prizes.

The Adjutant General is authorized to expend from the appropriations for the maintenance of the Organized Militia of Montana the sum of five hundred ($500.00) dollars per annum for prizes for markmanship under such regulations as may be prescribed by the Governor.

Section 76. ARTICLES OF WAR OF THE UNITED STATES TO GOVERN.

Federal articles of war and regulations to govern, when.

Whenever any portion of the militia of the state shall be on duty under or pursuant to orders of the Governor, or whenever any part of the militia shall be ordered to assemble for duty in time of war, insurrection, invasion or imminent danger thereof, breach of the peace, tumult, riot, public danger or resistance to process, the Articles of War and Regulations for the government of the army of the United States so far as applicable and not in conflict with any rule or regulation herein prescribed, and with such modifications as the Governor may prescribe, shall be considered in force and regarded as a part of this act until such forces shall be duly relieved from such duty.

Section 77. UNAUTHORIZED ASSOCIATION FORBIDDEN.

Misdemeanor to maintain military companies except as herein provided.

It shall not be lawful for any body of men other than the National Guard or troops of the United States, to associate themselves together as a military company with

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arms, without the consent of the Governor; but members of social and benevolent associations are not prohibited from wearing swords. Every person who shall associate with others in violation of this section shall be guilty of a misdemeanor.

Section 78. REGULATIONS GOVERNING ARMORIES, RIFLE RANGES, ETC.

Regulations governing use of armories, rifle ranges, etc.

The Commander-in-Chief shall promulgate in general orders such regulations for the use of armories, rifle ranges, and other real property owned or leased by the state for military purposes as may be proper; PROVIDED, That no armory shall be used for any other than a strictly military purpose without the recommendation of the officer in charge thereof; AND FURTHER PROVIDED, That all civilian rifle clubs affiliated with the National Rifle Association of America shall be permitted the use of the rifle ranges in the armories owned by the state at least one night each week under such regulations as the Commander-in-Chief may direct.

Proviso.

Civilian rifle clubs.

Section 79. LEASE OF PROPERTY BY THE NATIONAL GUARD.

Renting of real property for use of militia.

All armories and rifle ranges and all property, real or personal, used by the National Guard and not owned by the State of Montana or the United States, shall be leased or rented to the state upon such terms and conditions as shall be approved by the Commander-in-Chief.

Section 80. WRONGFUL TAKING OF GOVERNMENT PROPERTY FROM ARMORY.

Enlisted man taking government property from armory.

Any enlisted man taking any government property from an armory without the written consent of his company commander shall be considered as appropriating government property to his own use and may be tried in any court of competent jurisdiction and on conviction thereof shall suffer a fine in any sum, not exceeding one hundred ($100.00) dollars, together with the cost of such government property, or imprisonment in the county jail for a period not exceeding sixty (60) days, or shall suffer both such fine and imprisonment.

Penalty.

Section 81. GOVERNOR TO PROMULGATE RULES AND REGULATIONS.

Governor to promulgate other rules and regulations.

The Governor shall promulgate in general orders such rules and regulations and amendments thereto not inconsistent with the law as he may deem necessary. Such rules and regulations, when so promulgated shall have the same force and effect as though herein enacted.

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Section 82. USE OF INSIGNIA OF MILITARY ORDERS PROHIBITED.

Unlawful wearing of insignia of military or other order.

Every person who shall wilfully wear the badge, button, insignia or rosette of any military order or of any secret order of society, or any similitude thereof, or who shall use any such badge, button, insignia or rosette to obtain aid or assistance, or any other benefit or advantage, unless he shall be entitled to so wear or use the same under the constitution, by-laws, rules and regulations of such order or society, shall be guilty of a misdemeanor.

A misdemeanor.

Section 83. WHEN CUSTOMS AND USAGE OF THE UNITED STATES ARMY SHALL GOVERN.

Customs and usage of the United States Army.

All matters relating to the organization, discipline and government of the National Guard not otherwise provided for in this Act or in the general regulations, shall be decided by the custom and usage of the United States Army.

Section 84. REPEALING CLAUSE.

Laws repealed.

That Sections 1045 to 1110 inclusive of the Revised Codes of 1907, and all Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Section 85.

This Act shall take effect immediately upon its passage and approval by the Governor.

Approved March 10, 1919.

CHAPTER 192.

"An Act to Accept the Terms and Provisions of the Federal Act Giving Aid to the Several States for Vocational Education and to Authorize the State to Provide for an Advisory Board and Board of Education to Establish Vocational Education in the Public Elementary Schools and Public High Schools of the State; to Provide for the Training of Teachers of Vocational Subjects, Designating the State Treasurer as Custodian for Vocational Education with Authority to Accept and Disburse Money Received from the Federal Government for such Vocational Education and the Training of Teachers, and Appropriating Money to Meet Appropriations Made by the Federal Government for such

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Purposes, and to Provide the State Board of Education with Funds for Administration."

Be it enacted by the Legislative Assembly of the State of Montana:

Acceptance of Act of Congress for the promotion of vocational education.

Section 1. That the State of Montana hereby reaffirms the acceptance and assents to the terms and provisions of the Act of Congress entitled:

"An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," as enacted into law by the Legislative Assembly of Montana in Chapter 102, Session Laws of 1917.

Co-operation of State Board of Education with local boards in vocational training.

Section 2. The State Board of Education shall have authority to cooperate with school district and county school boards in the establishment and maintenance in the public elementary schools and public high schools of the State, courses for vocational training in agriculture, trades and industries, and home economics.

Authority of State Board of Education to adopt rules and regulations.

Section 3. The State Board of Education shall have authority to adopt rules and regulations governing such vocational courses, including the right to fix the qualifications of instructors and the courses of study to be followed in such schools. Such rules and regulations and all courses of study shall conform to any requirements of the Federal Board of Vocational Education.

Duties of Superintendent of Public Instruction under Federal and State Acts.

Section 4. The Superintendent of Public Instruction shall serve as executive officer of the State Board of Education in the administration of said Federal Act and this act for the State of Montana, shall designate, by and with the advice and consent of the State Board of Education, such assistants as may be necessary to carry out properly the provisions of this act, shall carry into effect such rules and regulations as the State Board of Education may adopt concerning the promotion of vocational education, and shall prepare such reports concerning the conditions of vocational education in the state as the State Board of Education may require. The Superintendent of Public Instruction shall keep all records of the State Board of Education which pertain to vocational education in his office in the capitol of the State.

Advisory committee, by whom appointed.

Section 5. The State Board of Education shall annually appoint an advisory committee consisting of five citizens. One of the members of this committee shall be

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a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, one a representative of skilled labor, one a representative of home making interests, and the State Superintendent of Public Instruction or a person designated by him. This advisory committee shall meet not less than three times a year upon the call of the State Superintendent of Public Instruction. The advisory committee shall have power to call to the attention of the State Board of Education such matters concerning vocational education as in its judgment should receive consideration by the State Board of Education; it shall also present to the State Board of Education its recommendations concerning the plan proposed for adoption by the State Board of Education for the cooperation of the State of Montana with the Federal government for the promotion of vocational education and its recommendations concerning any proposed changes in legislation affecting vocational education in the State of Montana; and its recommendations concerning any proposed publications or principles and policies by the State Board of Education in so far as they concern vocational education. The members of this edvisory committee shall be entitled to actual expenses in attending such meetings; such expenses to be paid from funds appropriated to carry out the provisions of this act.

Composition of committee and qualifications of members.

Meetings of advisory committee.

Powers and duties of advisory committee.

Expenses of members.

Section 6. The State Board of Education shall apportion the money appropriated under this Act, and any money received for vocational education from the Federal Government under the act of 1917 to the public elementary and public high schools of the State in which have been established and maintained courses for vocational training as provided in Section 2 of this Act, provided, however, that no apportionment shall be made to any school unless the work of such school and the instructors employed therein shall have been approved by the State Board of Education. Money received from the Federal Government for the training of teachers, supervisors and directors of vocational subjects, together with an amount not less than five thousand dollars for the year ending February 29, 1920 and an amount not less than five thousand dollars for the year ending Feebruary 28, 1921 of the money appropriated by this Act shall be apportioned by the State Board of Education to the several institutions in which the training of vocational teachers is carried on under the direction of the State Board of Education.

Apportionment of money for vocational education.

Schools excepted from apportionment.

Method of apportionment.

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Duty of State Treasurer as "Custodian for Vocational Education."

Section 7. The State Treasurer is hereby designated as the "Custodian for Vocational Education," and under the direction of the State Board of Education, he shall disburse all money appropriated under this Act, and all moneys received by the State of Montana for Vocational Education from the Federal Government.

Appropriation for vocational education.

Section 8. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of Twenty-one Thousand, Five Hundred ($21,500.00) Dollars for the year ending February 29, 1920, and there is hereby appropriated the sum of Twenty-one Thousand Five Hundred ($21,500.00) Dollars for the year ending February 28, 1921, the same to be expended for the promotion of Vocational Education under the direction of the State Board of Education as provided in this Act.

Repealing clause.

Section 9. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 193.

"An Act to Amend Section No. 302 of Chapter No. 76 of Session Laws of the 13th Legislative Assembly, 1913, as Amended by Section 1, of Chapter 110 of the 15th Legislative Assembly, 1917, Relating to County Superintendents and Their Duties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sub-division 19 of Section 302 of Chapter 76, Session Laws of the 13th Legislative Assembly as Amended by Section 1 of Chapter 110, Session Laws of the 15th Legislative Assembly, be amended so as to read as follows:

County superintendent may appoint clerk, when.

"19. CLERK AND DEPUTY. The County Superintendent of counties having fifty or more teachers in third class districts is authorized to appoint one clerk, and the County Superintendent of counties having fewer than fifty teachers in third class districts may, with the permission of the County Commissioners, appoint a clerk at a salary to be fixed by the Board of County Commissioners.

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The County Commissioners of counties having not fewer than seventy-five public school teachers in districts of the third class shall appoint one deputy other than the Clerk for every seventy-five teachers in such districts from a list furnished by the county superintendent. Such deputy shall hold a Montana certificate not less in value than a Professional Grade Certificate and shall be paid a salary of One Hundred Twenty-five Dollars ($125) per month, and actual traveling expenses."

County commissioners may appoint deputy, when.

Qualifications and compensation of deputy.

Section 2. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 194.

"An Act to Provide for the Issue and Sale, by the State Board of Examiners, of Bonds for the Purpose of Erecting an Annex to the State Capitol Building for Use as a Laboratory and Office by the State Board of Health; and to Provide for the Erection of Said Annex Under the Authority and Direction of the State Board of Examiners."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Board of Examiners of the State of Montana are hereby authorized to issue and dispose of bonds for the purpose of erecting an annex to the State Capitol Building on the State Capitol grounds at Helena, Montana, for use as a laboratory and office for the State Board of Health, under the following conditions and restrictions, to-wit:

Bond issue for the erection of an annex to State Capitol.

First: The aggregate amount of bonds authorized by this Act shall not exceed the sum of Fifty Thousand Dollars.

Aggregate amount of bonds.

Second: The denomination of each bond shall be one thousand dollars.

Denomination of bonds.

Third: The term of said bonds shall not exceed thirty years from their date, and they shall be payable at any time after fifteen years from their date, at the option of the State Board of Examiners.

Term of bonds.

Fourth: The bonds may bear any rate of interest not in excess of five per cent per annum, and the interest may be payable semi-annually.

Interest on bonds.

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Where payable.

Fifth: The principal and interest shall be payable at the office of the State Treasurer, at Helena, Montana.

Form and other requirements.

Sixth: The State Board of Examiners shall prescribe the form of the bond, and the bonds shall bear upon their face the words, "Annex Issue Capitol Building Bonds of the State of Montana," and shall be signed by the members of the State Board of Examiners, and the Great Seal of the State of Montana shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer.

Coupons.

Seventh: The coupons representing the interest on the bonds shall have lithographic fac simile signatures of the members of the State Board of Examiners affixed thereon.

Disposition of bonds.

Section 2. The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such a manner as they shall deem for the best interest of the State, provided that no bond shall be disposed of for less than its par value.

Principal and interest payable from what fund.

Section 3. The principal and interest of the bonds authorized by this Act shall be paid out of the special fund provided for by Section 1240, Revised Codes of Montana of 1907, designated as the "Capitol Building Interest and Sinking Fund," and from said "Capitol Building Interest and Sinking Fund" there shall, as the same becomes due and payable, be paid the interest on the said bonds; and it is further provided, that it is the duty of the State Board of Land Commissioners, whenever there are any funds in the said "Capitol Building Interest and Sinking Fund," over and above the sum of twenty-five hundred dollars in excess of the amount required to pay the yearly interest on the bonds issued pursuant to Section 1238, of the Revised Codes of Montana of 1907, known as the "Capitol Building Bonds of the State of Montana," and the interest on the bonds provided for by this Act. to invest such excess funds in the manner set forth and provided in Section 1241, of the Revised Codes of Montana of 1907, and the amount so invested shall constitute a permanent fund to pay the principal of the bonds issued pursuant to Section 1238, of the Revised Codes, and the bonds issued pursuant to this Act; but all interest or profit derived from the investment shall be paid into the "State Capitol Building Interest and Sinking Fund," and the principal and interest of the bonds issued pursuant to Section 1238, Revised Codes, shall be a first lien upon said funds and the lands granted and belonging to the State for the purpose of erecting

Investment of excess funds in "Capitol Building Interest and Sinking Fund."

Amount invested shall constitute permanent fund for certain purposes.

Interest on profit from investment.

Principal and interest upon bonds shall be a lien upon lands specified.

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buildings at the State Capitol, and the principal and interest of the bonds authorized by this Act shall be a second lien upon said funds and all lands granted and belonging to the State for the purpose of erecting buildings at the State Capitol.

Reimbursement of state for payment of interest.

Section 4. It is hereby provided and set forth that in the event the State of Montana shall at any time provide and pay the interest, or any part thereof, on the bonds authorized by this Act from the General Fund of the State, or by any special appropriation made, or taxes levied therefor, then for any and all interest so paid the State shall be reimbursed from the said "Capitol Building and Interest and Sinking Fund" by the payment of the amount so paid or due whenever there is sufficient money in said "Capitol Building Interest and Sinking Fund" to pay the same, after paying the principal and interest due on the bonds issued pursuant to Section 1238 of the Revised Codes of Montana of 1907.

Duties of State Treasurer as custodian of funds.

Section 5. The State Treasurer is hereby designated as the custodian of the funds provided by this Act, and he shall pay all warrants properly drawn by the State Auditor, save and except as to the interest on the bonds, which he shall pay as the same become due, and charge the amount thereof to the "Capitol Building Interest and Sinking Fund" hereinbefore referred to.

Payment of bonds.

Section 6. Whenever any bonds authorized by this Act shall become due and payable, and there is sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Cost and expense of bond issue.

Section 7. The cost and expense of issuing the bonds provided for by this Act may be paid out of the proceeds from the sale thereof, or be chargeable to the expenses of the construction of said annex to the Capitol Building.

Warrants for payment of interest shall be issued, when.

Section 8. In the event there shall not at any time be sufficient money in the "Capitol Building Interest and Sinking Fund" to pay the interest when due, the State Board of Examiners shall, by an order entered on their minutes or record books, cause warrants to be issued on the said "Capitol Building Interest and Sinking Fund" for the amount of interest due, and the warrants so issued shall be registered in the office of the Treasurer of the State and shall bear interest at the rate of five per cent per annum, and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same, after

Interest upon warrants.

Payment of warrants.

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paying the interest on the bonds issued pursuant to Section 1238 of the Revised Codes, and by reason of the delivery of said warrants to the holders of said bonds, and the surrender of the said interest coupons, there shall be no default in the payment of interest.

Immunity of state from liability on bonds except as provided.

Section 9. Nothing in this Act shall be so construed as to in any wise hold the State of Montana liable for the payment of the bonds herein authorized, or the interest thereon, except as to the lien heretofore created against the lands and funds granted for the purpose of erecting buildings at the State Capitol, and such liens shall not be abridged or set aside until the bonds authorized by this Act shall have been fully paid, together with interest thereon, and the Governor is hereby especially authorized and empowered to use all lawful means to enforce the provisions of this Act.

Governor charged with enforcement of Act.

Administration of fund arising from sale of bonds.

Section 10. All moneys received from the sale of the bonds authorized by this Act shall be paid to the State Treasurer, and shall constitute a special fund for the erection of said annex to the State Capitol Building, and shall be disbursed by the State Treasurer on warrants properly drawn by the State Auditor, pursuant to the order of the State Board of Examiners.

Erection of Annex to State Capitol.

Section 11. Upon the sale of the bonds authorized by this Act it shall be the duty of the State Board of Examiners to secure the erection and completion of an annex to the State Capitol Building. In furtherance of this purpose said board shall procure plans and specifications in such manner as the Board shall direct, under proper and safe conditions. The architect whose plan is selected as the plan for said annex must be required to furnish full and complete specifications for the erection and heating, lighting and plumbing of the same, with full and complete full-sized drawings and details and working plans so that any capable architect may take the plans, drawings and specifications submitted and erect said annex in accordance therewith. The board may employ, with the consent of the designing architect, any skilled and reputable architect as supervising architect of said annex, if in its judgment the best interests of the State would be subserved thereby.

Plans and specifications.

Supervising architect may be employed.

Compensation and duties of architect.

Section 12. The architect whose plan is selected by the Board shall receive such compensation as the board shall deem reasonable. He shall prepare all plans, specifications and details for all contracts for construction and material for said annex, and if employed by the Board to superintend the construction of said annex he shall see

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that all material furnished and work done shall be of the best quality, and that all contracts with the said Board are faithfully performed by the parties contracting with said Board for work or material. He shall perform all other duties devolving upon him as supervising architect and may be removed at the pleasure of said Board. Neither said architect, nor any of his subordinates or assistants shall be in any way connected with any work done or material furnished for said annex, or any contract therefor, or shall have any interest therein, directly or indirectly. He shall furnish bond to the State of Montana in the sum of fifteen thousand dollars, with a fidelity company authorized to do business under the laws of this State, as surety, condition for the faithful performance by said architect, his assistants and subordinates of his and their duties as herein prescribed, provided that the superintendents and contractors shall be residents of the State of Montana.

Interest of architect and his assistants in work or material.

Bond of architect.

Residence of superintendents and contractors.

Section 13. The Board may appoint a specially qualified person to act as superintendent of the construction of said annex. It shall be his duty to see that all contracts made with the board are faithfuly performed, that all material furnished and the work done shall be as required by law or the contract therefor, that all duties imposed upon the architect are faithfully performed by him and his subordinates and that no provisions of this Act are violated. To report to the board any violation of this Act or of any contract or of any duty by any architect, contractor or employee of said Board, and to do such other duties as may be required of him by the Board. Said Superintendent shall receive as his compensation such sum as the Board shall deem reasonable, not exceeding ten dollars per day for each and every day he is actually engaged in the performance of his duties. He shall be removed at the pleasure of the Board.

Superintendent of construction.

Duties and compensation of superintendent.

Removable at pleasure of board.

Section 14. The Board shall procure all material used in the construction of said building from the products of the State of Montana, provided the same is produced in the State of Montana and can be procured as cheaply therein as material of like kind and quality can be procured elsewhere, and, provided, further, that the total cost of the erection and furnishing of said annex, including steam heating apparatus and other fixtures shall not exceed the sum of fifty thousand dollars, and the Board shall at all times have this object in view, and all plans accepted, and all contracts awarded, shall be accepted and awarded only after the Board shall be satisfied

Montana products to be used in construction of building under certain conditions.

Maximum cost of construction.

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that the cost of the annex, when it shall be completed and furnished, shall not exceed said sum.

Time for completion of work.

Section 15. The entire construction and furnishing of said annex shall be completed by the first day of January 1920; provided that the bonds provided for in this Act shall have been sold in time to enable the commencement of work so as to complete the annex by that date.

Proviso.

Disbursement and auditing of claims and demands.

Section 16. All disbursements on account of the erection of said annex shall be made pursuant to the orders of said Board. All claims, bills and demands for labor performed or material furnished shall be presented to the Board in duplicate, and shall be fully itemized, and shall be passed upon by said Board only at regular sessions thereof and after careful examination of every item named. If found correct they shall audit the same, preserving one duplicate and transmitting the other to the State Auditor, with directions to the State Auditor to draw his warrant on the special fund for the erection of the annex to the State Capitol Building for the amount allowed and to the order of the person named in said order; provided, that no order shall be issued by the State Board of Examiners in excess of the amount received from the sale of the bonds authorized by this Act.

Section 17. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 195.

"An Act to Provide for the Appointment of a Commissioner to Compile and Revise the Codes and other Laws of the State of Montana; to Provide for the Compensation of Such Commissioner and to Make an Appropriation Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Code Commissioner to be appointed by Supreme Court, when.

Qualifications.

Laws to be revised.

Section 1. The Supreme Court of the State of Montana is hereby authorized and directed to appoint on or before the first day of April, A. D., 1919, some competent and qualified person as Commissioner to compile and revise the Revised Codes of 1907, of the State of Montana, and the general statutes passed by the Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth regular sessions, and all extraordinary sessions of the Legislative

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Assemblies of the State of Montana, and all laws initiated and adopted by the people, and all other Acts and parts of Acts which have not been repealed, either by any of the Session Laws or by the people of Montana, and which have not been adjudged unconstitutional by the Supreme Court of the State of Montana; and it shall be the duty of the said Commissioner to compile, revise and arrange under proper headings, subjects and chapters, all laws of a permanent and general nature which shall be in force after the adjournment of the Sixteenth Legislative Assembly, with authority to rearrange the chapters in the respective Codes, and to renumber and transpose such sections, and to provide other and different head notes to chapters. Such compilation and revision shall be arranged under proper headings, subjects and chapters, and be divided into the Political Code, the Civil Code, the Code of Civil Procedure, the Penal Code, and the General Laws of Montana.

Duty of Commissioner to compile, revise and arrange.

Divided into what codes and general laws.

Section 2. It is hereby made the duty of the said Commissioner, and he is hereby authorized in compiling, revising and arranging the Political Code, to define the boundaries of all of the counties in the State of Montana as they shall exist on the first day of July, A. D., 1919, as defined in the Revised Codes of 1907, and the several Session Laws subseqent thereto, and also to define the boundaries of the several counties which have been created under the general law providing for the organization of new counties by petition and election by the people in accordance with the records in the office of the Secretary of State.

County boundaries.

Section 3. In addition to the work of such compilation and revision of all of the laws of the State, it shall also be the duty of the said Commissioner to note all inconsistencies, ambiguities, omissions, contradictions and imperfections, in the several sections of the Codes and to prepare new sections for the purpose of correcting and reconciling all inconsistencies, ambiguities, omissions, contradictions and imperfections, and to submit such proposed new sections by way of Bills to be introduced at the Seventeenth Legislative Assembly, and also to make a full and complete report, which shall accompany such proposed Bills, explaining the inconsistencies, ambiguities, omissions, contradictions and imperfections in the present Codes and Session Laws, and the necessity for the enactment of the proposed new sections. The said Commissioner shall enter upon the discharge of his duties on the first day of April, A. D., 1919, and shall devote his

To note all inconsistencies, ambiguities, omissions, etc., in the codes.

To prepare new sections to correct and reconcile the same.

To submit such new sections to the Seventeenth Legislative Assembly with a full report.

Term of office to commence, when.

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Shall devote his entire time to the work.

entire time to such work, and he shall complete the work of such compilation and revision on or before the first Monday of January, A. D., 1921. The appointment of such Commissioner shall continue until after the adjournment of the regular session of the Seventeenth Legislative Assembly and until all laws of a permanent and general nature enacted at the said Seventeenth Session shall have been compiled and arranged under proper headings, subjects and chapters of the Political Code, Civil Code, Code of Civil Procedure, Penal Code, and General Laws of Montana.

Revision shall be completed, when.

Appointment to continue until when.

Oath of office.

Section 4. Before entering upon the discharge of his duties, the said Commissioner shall take and subscribe the oath of office provided by the Constitution, which oath shall be filed in the office of the Secretary of State.

Laws to be divided into five parts.

Section 5. The Commissioner shall divide the laws into five parts: The Political Code, the Civil Code, the Code of Civil Procedure, the Penal Code, and the General Laws of Montana, and shall make for each of the said Codes and General Laws, a new, complete and working index of the contents thereof, alphabetically arranged, and of sufficient particularity to refer to each section contained in such Codes, and the General Laws, and the subjects thereof, which index must be printed and bound in its appropriate volume, and must make a new and complete general index of all the Codes, which must be printed and bound in one of said volumes.

To prepare indexes for each part.

General index.

Other matter which shall be included in first volume.

Section 6. The said Commissioner is hereby authorized and directed to prepare with said Codes for publication, and in the first part of the first volume, a copy of the Magna Charta, the Declaration of Independence, the Constitution of the United States and amendments, the Organic Act of the Territory of Montana, the Enabling Act, the Constitution of the State of Montana, and Laws of Congress relating to the Authentication of Laws and Records, together with an index to each of the foregoing.

Notes to each section showing date of enactment and complete history.

Section 7. In compiling and revising the said statutes, there must be added by the Commissioner to each section, a note printed in small italics, showing date of its enactment, and its complete history; and the said Codes and Laws as compiled and revised, shall be annotated so as to show by proper and appropriate reference all decisions of the Supreme Court of the State of Montana, commenting upon or in any way referring to any sections of the laws or Constitution of Montana, up to the first day of January, A. D., 1921, and the decisions of any other state or states construing statutes similar to the section

Annotations to show what.

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under which such annotations are made. Such annotations shall contain the names of the plaintiffs and defendants, the number of the volume, and page of the report containing such decisions in the Montana Reports, or other Reports, and also a brief statement of the holding of such case, with reference to the particular section of the Laws or Constitution.

Act to be construed, how, as to powers of Commissioner.

Section 8. This Act shall not be construed as giving the said Commissioner any power to change, modify or make any law or laws, but only as giving him full power and authority to complete a full revision and compilation of the laws of the State of Montana, and to make the recommendations hereinbefore provided with reference to inconsistencies, ambiguities, omissions, contradictions and imperfections in the several sections of the Laws. The said Commissioner in revising and compiling the Codes, in the preparation of the indexes and all annotations, and in arranging the Laws of the Political Code, the Civil Code, the Code of Civil Procedure, the Penal Code, and the General Laws, and under the several headings, subjects and chapters, shall at all time be subject to the supervision and direction of the Justices of the Supreme Court.

Commissioner to be under supervision of Supreme Court justices in what matters.

Codes to be prepared for publication in five volumes.

Contents of first volume.

Section 9. The said Codes, when so revised and compiled, shall be prepared for publication in five volumes; the first volume of which shall contain the Magna Charta, the Declaration of Independence, Constitution of the United States and amendments, Organic Act of the Territory of Montana, the Enabling Act, the Constitution of the State of Montana, and the Laws of Congress Relating to Authentication of Laws and Records, together with an index to each, and the Political Code, together with an index to the same; the second volume of which shall contain the Civil Code, and an index to the same; the third volume of which shall contain the Code of Civil Procedure and an index to the same; the fourth volume of which shall contain the Penal Code, and an index to the same, together with the general index to all of the Codes and general laws; the fifth volume of which shall contain the General Laws which are not properly a part of the Political Code, the Civil Code, the Code of Civil Procedure and the Penal Code. The first volume shall be known and referred to as "The Political Code of Montana, 1921." The second volume shall be known and referred to as "The Civil Code of Montana, 1921." The third volume shall be known and referred to as "The Code of Civil Procedure of Montana, 1921." The fourth

Second volume or Civil Code.

Third volume, or Code of Civil Procedure.

Fourth volume, or Penal Code.

Fifth volume, or General Laws.

Names of the several volumes.

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volume shall be known and referred to as "The Penal Code of Montana, 1921." The fifth volume shall be known and referred to as "The General Laws of Montana, 1921."

Quarters and supplies for Commissioner.

Section 10. The said Comimssioner shall be furnished with an office in the State Capitol Building, and with necessary office furniture, stationery, typewriters and supplies for the purpose of such work. The Secretary of State shall furnish the said Commissioner with not less than three copies of each of the present Codes, and three copies of each of the Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth Session Laws, and all extraordinary Session Laws. The said Commissioner shall also have free access to the State Law Library, and to the books and records in the office of the Secretary of State, which may be necessary or convenient to the proper prosecution of the said work. The said Commissioner may also, with the approval of the Justices of the Supreme Court, employ such stenographers and clerks as may be necessary to complete the said work.

Copies of laws to be furnished by Secretary of State.

Commissioner to have free access to what quarters.

Assistants.

Salary.

Section 11. The said Commissioner shall receive an annual salary of five Thousand Dollars ($5,000), payable monthy, in full compensation for his service in compiling, revising, annotating and indexing the said Codes and Laws, and in performing the duties imposed upon him by the provisions of this Act.

Appropriation.

Section 12. The sum of Seventeen Thousand Dollars ($17,000) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the salary of the Commissioner, and his office assistants and clerks, and all other necessary expenses.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 196.

"An Act to Amend Section 105; Sub-division 7 of Section 106; Section 108; Sub-division 2 of Section 201; Sub-divisions 10, 11 and 14 of Section 202; Sub-divisions 3, 4, 14, 15, 16, and 17 of Section 302; Said Sub-division 17 being Amended by Section 1, Chapter 81 of the Session Laws of the Fifteenth Legislative Assembly;

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Section 404; Section 405; Section 408; Sub-divisions 5 and 6 of Section 502; Sub-division 5 of Section 507; Sub-division 11 of Section 508; Sub-divisions 3 and 4 of Section 512; Said Sub-division 4 Being Amended by Sestion 3 of Chapter 81 of the Session Laws of the Fifteenth Legislative Assembly; Sections 604, 608, 800, 806, 900, 903, 904, 905, 906, 907, 908, 909, 1200 and 1501; Section 1600 as Amended by Section 1 of Chapter 42 of the Session Laws of the Fifteenth Legislative Assembly; Sections 2001, 2002, 2004, 2015, 2016, 2017, 2019, and 2105; and to Repeal Sections 2025, 2026, 2027 and 2028 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, and Being an Act Codifying the School Laws of the State of Montana and Providing for the Establishment and Maintenance of a General, Uniform and Thorough System of Public Free Schools."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 105 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Meeting of the State Board of Education, be and the same is hereby amended to read as follows:

Quarterly and other meetings.

"105. MEETINGS. The Board shall hold quarterly meetings at the State Capitol on the first Monday in April, July, September, and December in each year, and may hold special meetings at any time and place they may direct. The president and the secretary of the Board may also call special meetings of said Board at any time and place, if in their judgment necessity requires it. The members of said Board shall receive no compensation for their services, but shall be allowed their actual traveling expenses incurred in attending the meetings of the Board, which expense and all other expenses, on the certificate of the Secretary of the Board, shall be audited and approved by the State Board of Examiners and paid by warrant of the State Auditor on the State Treasurer."

Special meetings may be called by whom.

No compensation, but expenses allowed.

How audited and paid.

Law amended.

Section 2. That sub-division 7 of Section 106 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly relating to the Powers and duties of the State Board of Education, be and the same is hereby amended to read as follows:

State diplomas for 6 years and for life.

"7. To grant state certificates valid for six years, and to grant life certificates."

Law amended.

Section 3. That Section 108 of Chapter 76 of the

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Session Laws of 1913 relating to certificates, be and the same is hereby amended to read as follows:

"108. Certificates.

1. State. How Obtained.

State certificates may be issued to whom and when.

(a) By Examination.—A state certificate may be issued by the State Board of Education to any person of good moral character who has held for one year and still holds a Montana professional certificate in full force and effect, when such person has passed a satisfactory examination, under the direction of the State Board of Education, in English literature, History of Education, and General History, and has furnished satisfactory evidence of having taught successfully for thirty five months.

Certificates may issue to holder of certificate from another state, when.

Required qualifications.

(b) By Endorsement.—(1) A State Certificate may be issued in acordance with regulations established by the State Board of Education to the holder of a state certificate issued by another state; provided, that such regulations shall not authorize the issuance of a state certificate to any person whose character, professional qualifications and experience are not at least substantially equivalent to those prescribed by this Act for the issuance of a state certificate by examination.

Diplomas and certificates which shall equal a state certificate good for six years.

(2) A diploma of the Montana State Normal College or of any normal school that may hereafter be established under the control of the State Board of Education, or a University of Montana Certificate of Qualification to Teach when accompanied by a diploma either of the Montana State University or of the Montana State College of Agriculture and Mechanic Arts, shall constitute a state certificate good for six years after date; provided, that the rules of the faculties of the State University and of the State College of Agriculture and Mechanic Arts for the issuance of the University of Montana Certificate of Qualification to Teach, as approved by the Chancellor of the University of Montana, shall be submitted to the State Board of Education for its sanction.

Proviso.

State Board of Education may issue to whom.

To whom not to issue.

(3) A State certificate may be issued by the State Board of Education to a graduate of any other college or normal school within or without the State in accordance with regulations established by said Board; provided, that such regulations shall not authorize the issuance of a State certificate to a graduate of any institution whose requirements for graduation are not substantially the full equivalent of those of the corresponding institution of the University of Montana.

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(c) By Renewal.—Any unexpired state certificate issued by the Montana State Board of Education may be renewed by the said board for a period of six years from the date of renewal, provided, the holder has taught successfully for twenty-seven months during the life of such certificate, and provided further, that the State Board of Education may require evidence of the accomplishment of a minimum amount of reading circle work as a requisite for the renewal of a certificate.

Unexpired certificates which may be renewed by State Board of Education.

Proviso concerning period of teaching.

Reading circle work.

2. Life Certificates—How Obtained.

(a) By Examination.—A Life certificate by examination may be issued by the State Board of Education upon the same conditions as a state certificate, except that, in addition the applicant must pass satisfactory examinations and tests under such supervision and upon such additional subjects as may be prescribed by the State Board of Education, and must furnish satisfactory evidence of having taught successfully for seventy months; providing, that an applicant who already holds an unexpired Montana State certificate obtained by examination shall be exempt from the examinations required for State certificates.

State Board may issue life certificate upon what condition.

Additional examination required.

Who exempt from further examination.

(b) By Endirsement. (1) A Life Certificate may be issued in acordance with regulations established by the State Board of Education to the holder of a life certificate issued by another state; provided, that such regulations shall not authorize the issuance of a life certificate to any person whose character, professional qualifications, and experience are not at least substantially equivalent to those prescribed by this act for the issuance of a life certificate by examination.

Life certificates may issue to holder of life certificate of another state, when.

Qualifications and character required.

(2) Any person holding a degree from the Montana State University or from the Montana State College of Agriculture and Mechanic Arts, and any graduate of a course at the Montana State Normal College or at any normal school that may hereafter be established under the control of the State Board of Education, extending two years beyond the secondary school, shall be entitled to a life certificate on presenting to the State Board of Education satisfactory evidence of having taught successfully in the public schools of the State for twenty-seven months after graduation: and any graduate of the Montana State Normal College or of any norml school that my hereafter be established under the control of the State Board of Education, with the degree of bachelor of pedagogy, shall be entitled to a life certificate on presenting to the State Board of Education satisfactory

Persons holding degrees from state educational institutions entitled to life certificates, when.

Graduates of state normal schools holding degree of bachelor of pedagogy.

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evidence of having taught successfully in the public schools of the state for eighteen months after graduation.

Life certificates may be granted to graduates of institutions outside of state, how and by whom.

Not to be issued to whom.

(3) A life certificate may be issued by the State Board of Education to a graduate of any other college or normal school within or without the state in accordance with regulations established by the State Board of Education; Provided, that such regulations shall not authorize the issuance of a life certificate to a graduate of any institution whose requirements for graduation are not substantially the full equivalent of those of the corresponding institution of the University of Montana; and provided further that such regulations shall not authorize the issuance of a life certificate to any person who does not present satisfactory evidence of having taught successfuly for at least as long a time after graduation as is required by law for the issuance of life certificates to graduates of the several institutions of the University of Montana.

Evidence of period of teaching required.

State and life certificates must be registered, where.

3. Registration.—State and life certificates, before they shall be valid in any county, must be registered in the office of the county superintendent of schools of such county.

Revocation of state and life certificates.

4. Revocation.—Any State or life certificate may be revoked by the State Board of Education for incompetency or immoral conduct on the part of the holder thereof, or for any cause that would have required the State Board of Education to refuse to grant it, if known at the time the certificate was granted; but before any such revocation, the holder shall be served by the Secretary of the State Board of Education with a written statement of the charges against him, and shall have an opportunity for defense before the State Board of Education."

Notice and hearing of charges.

Law amended.

Section 4. That sub-division 2 of Section 201 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to the official Staff, be and the same is hereby amended to read as follows:

Appointment and salary of Deputy Superintendent of Public Instruction.

Salaries of high school supervisor, two rural school supervisors, one clerk and two stenographers.

Duties of such officers and employees.

"2. Official Staff.—The Superintendent of Public Instruction shall have the power to appoint one deputy, who shall receive an annual salary of twenty-five hundred dollars, one high school supervisor at an annual salary of twenty-five hundred dollars, two rural school supervisors at an annual salary of twenty-five hundred dollars, each, one clerk at an annual salary of fifteen hundred dollars, and two stenographers at n annual salary of twelve hundred dollars each. Such deputy, high school supervisor, rural school supervisors, clerk and stenogra-

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phers shall perform such duties pertaining to the office as the superintendent may direct."

Law amended.

Section 5. That Section 202, sub-division 10, 11, and 14 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, relating to Duties of County Superintendents, Temporary State Certificates and Examinations, be and the same is hereby amended to read as follows:

Superintendent of Public Instruction; duties in relation to county superintendents.

"10. County Superintendents.—He shall counsel with and advise county superintendents upon all matters involving the welfare of the schools, he shall when requested, give them written answers to all questions concerning the school law. He shall decide all appeals from the decision of the county superintendent, and may for such decision require affadivits, verified statements or sworn testimony as to the facts in issue. He shall prescribe and cause to be enforced, rules of practice and regulations pertaining to the hearing and determining of appeals, and necessary for carrying into effect the school laws of the state. He may also call an annual meeting of county superintendents at such times as he may deem advisable."

Appeals to.

Prescribe rules of practice on appeal.

May call annual meeting of county superintendents.

To prepare questions in examination for teachers' certificates.

"11. Examinations.—He shall with the approval of the State Board of Education and with the co-operation of the State Board of Educational Examiners prepare all questions to be used in the examination of applicants for teachers' certificates, and prescribe the rules and regulations for conducting all such examinations."

May grant temporary state certificate to whom and when.

"14. Temporary State certificates. The State Superintendent may grant a temporary state certificate, at any time, to any teacher whose experience, qualifications and credentials, in his opinion, entitle such a teacher to either a state or life certificate in Montana. Such temporary state certificate, however, shall be good and valid in any county in the state for a period of one year; provided, however, that the holder of such certificate shall have it duly registered in the office of the county superintendent of schools of the county in which he is employed to teach before he begins teaching, and provided, also that such teacher shall pay for such registration, the sum of one dollar ($1.00) into the State Teachers' Certificate Fund of such county."

Temporary certificates to be good for one year.

Registration of.

Fee of registration.

Law amended.

Section 6. That Section 302, sub-divisions 1, 3, 4, 14, 15, 16, and 17, of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Duties of County Superintendents; said Section 17 having been amended by the Session Laws of the Fifteenth Legislative

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Assembly, be and the same are hereby amended to read as follows:

"302. Duties.

Duty to carry into effect instructions of State Superintendent.

1. As to State Superintendents.—He shall carry into effect all instructions of the State Superintendent given within his authority. He shall distribute to the proper officers and to teachers all blanks furnished by the State Superintendent and needed by such officers and teachers.

Distribute blanks to whom.

Shall hold trustees' meetings, when and for what purpose.

Mileage to trustees'

3. Trustees' Meetings. He shall from time to time in convenient places hold trustees' meetings at which matters relating to the good of the schools shall be discussed. Trustees shall be entitled to mileage not to exceed twenty cents per mile for actual attendance at such trustees' meetings, where the distance necessarily traveled is in excess of three miles. All such claims of trustees shall be paid from district funds.

Shall apply to State Board of Education for issuing temporary certificates to whom.

4. Issue Temporary Certificates.—He shall make application to the State Board of Educational Examiners, if he deem it proper to do so, for the issuance of temporary certificates valid until the next regular examination, to persons holding certificates showing their fitness for the profession of teaching. Provided, that no person shall be entitled to receive such temporary certificate more than once."

Limit to number to one person.

Power to attach to district contiguous territory.

To declare school district abandoned, when.

Disposition of funds of abandoned districts.

"14. Attach Contiguous Territory.—He shall attach to contiguous districts territory not a part of any district and shall have power to declare school districts abandoned when no school has been held in such districts for two consecutive years, if in his judgment there is no immediate prospect of the need of a school. All funds of such abandoned districts shall be placed in the general school funds of the county upon the order of the county superintendent after all debts of the district have been paid. The abandoned territory shall be attached to contiguous districts by the county superintendent."

Copy of census of school district to be transmitted Bureau of Labor, when.

Duplicate copy of census to show what.

"15. Census to be transmitted to Bureau of Labor and Industry.—It shall be the duty of the County Superintendent of schools to transmit within thirty days after he receives the school census from the district clerk, the duplicate copy of the census furnished by the clerk showing the name, sex, age and date of birth of each child under twenty-one years of age residing in the county, together with the names of the parents or guardians of such children to the commissioner of the bureau of labor and industry. No County Superintendent shall be paid his salary for the last month in his official year until he

Salary shall not be paid until when.

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presents to the County Commissioners the receipt of the commissioner of the bureau of labor and industry for such annual census report."

Shall keep records of office, preserve books, maps, etc.

"16. Records.—He shall keep a record of his official acts. He shall preserve all books, maps, charts and apparatus sent him as school officer or belonging to his office. He shall file all reports and statements from teachers and school boards and shall turn them over to his successor in office. He shall also provide a seal which shall be the official seal of the County Superintendent by which his official acts may be authenticated. The Superintendent of Public Instruction shall provide the design of the seal.

Reports of teachers and school boards.

Official seal.

Law amended.

Section 7. That sub-division 17, Section 302 of the Session Laws of the Thirteenth Legislative Assembly as amended by Chapter 81 of the Fifteenth Legislative Assembly relating to Annual Reports, be and the same is amended to read as follows:

Annual report to State Superintendent of Instruction.

"7. Annual Reports. He shall on or before the first day of September of each year, make and transmit an annual report to the Superintendent of Public Instruction, containing such statistics, items and statements relative to the schools of the county as may be required and prescribed by the State Superintendent. Such reports shall be made upon and conform to the blanks furnished by the State Superintendent of Public Instruction for that purpose. He shall not be paid his salary for the last two months in his official year until he presents to the County Commissioners the receipt of the Superintendent of Public Instruction for such annual report."

Form of report.

Salary not to be paid, when.

Law amended.

Section 8. That Section 404 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Organization of New Districts, be and the same is hereby amended to read as follows:

"404. Organization of New Districts.

New school districts may be organized out of portions of two or more existing school districts or by a division of an existing district in the manner hereinafter provided and not otherwise.

New school districts may be organized out of what territory.

Petition to organize new district.

1. From portions of Two or More Districts.—For the purpose of organizing a new school district out of portions of two or more existing school districts, a petition in writing shall be made to the County Superintendent, signed by the parents or guardians of at least ten (10) census school children, between the ages of six (6) and twenty-one (21) years, residing within the boundaries of the proposed new districts and residing at a greater

Number of petitioners required.

Residence of petitioners.

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distance than two (2) miles from any school house owned by any one of such school districts and in which a school is maintained, which petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing within the boundaries of the proposed new district at the date of presenting said petition. The County Superintendent shall give notice to all parties interested by posting, or causing to be posted, at least ten days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on each school house door of each district affected by the proposed change, or if there be no school house, then in one of the most public places in each of said old districts, notices of a hearing by him upon such petition, and shall on the day fixed in the notice proceed to hear said petition at the place designated in said notice, which must be either at the Court House of the County or else at a school house in one of the school districts affected, unless a protest in writing signed by at least a majority of the school electors residing within such proposed school district shall be filed with the County Superintendent of Schools before or at the time fixed in the notice for the hearing of said petition, and in that event such new and proposed school district shall not be created. If no such protest be filed then the County Superintendent, upon such hearing, shall within ten days from the date of such hearing make an order establishing said new district and describing the boundaries thereof, or make an order denying such petition, and from an order establishing said new district made by the County Superintendent of Schools an appeal may be taken by three resident taxpayers of the said proposed new district, or by three resident taxpayers of the remaining portion of an old district, to the Board of County Commissioners within thirty days, and a hearing had thereon and a decision rendered by said Board, which shall be final; Provided, that should the County Superintendent refuse to make an order establishing said new district, an appeal may be taken by three resident taxpayers of said proposed new district, to the Board of County Commissioners, a hearing had thereon and a decision rendered by said Board which shall be final; Provided, that no school district shall be established which does not contain property of an assessed valuation of at least Ten Thousand Dollars ($10,000.00) as shown by the last official assessment roll of the county in which said proposed

Contents of petition.

Notice of time and place of considering petition.

Hearing to proceed, when and where.

When new district shall not be formed.

In absence of protest shall be established, when.

Deny petition, when.

Appeal from order may be taken by whom and to whom.

Hearing and decision of board of county commissioners.

Appeal from order refusing to establish new district.

Decision of county commissioners to be final.

Assessed valuation required.

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school district is located; Provided, further, that there shall be at least ten census school children left in the remaining portion of each of the original district and also a property valuation, as shown by the last official assessment roll of the county, of at least Fifteen Thousand Dollars ($15,000.00). The appeals mentioned in this section shall be in writing, subscribed by the parties taking the appeal and shall recite sufficient facts to show their rights to appeal hereunder and that it is an appeal from the decision rendered, and such appeal shall be filed with the County Superintendent within thirty days from the date of the order establishing such new district or denying such petition. The County Superintendent shall, within twenty days from the filing of such notice of appeal, transmit to the Board of County Commissioners and file in the office of the County Clerk, the notice of appeal and all petitions, plats and papers in his possession pertaining to the petition for the creation of such new school district. The County Clerk shall forthwith, upon receipt of such notice of appeal and other papers, give notice to all parties interested by causing to be posted at least ten days prior to the date of the next regular meeting of the Board of County Commissioners, in at least three of the most public places in the proposed new district, and one on each school house door of each district affected by the proposed change, or if there be no school house, then in one of the most public places in each of said old districts, notices to the effect that the Board of County Commissioners will at its office in the Court House upon a certain date, specifying the same in such notices, which date shall be during the next regular session of the Board, finally hear and determine said appeal and said petition for the creation of such new district.

Number of children required to be left in original district.

Minimum property assessment to remain in old district.

Form and contents of appeals.

To be filed, when and where.

Duty to transmit county commissioners notice of appeals and other papers.

County clerk to give notice of appeal to whom and when.

Notice of time and place of hearing.

2. Division of District Having More Than One School House.—For the purpose of organizing a new school district entirely out of a portion of an existing school district, in case such existing school district has a school house owned by the district and in which school is maintained, a petition in writing shall be made to the Board of Trustees of said school district, signed by a majority of the school electors of that portion of said school district out of which they desire to create a new school district, which petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing within the boundaries of the proposed new district at the date of presenting such

Petition to organize new district entirely out of one old district.

Must be signed by whom.

Contents of petition.

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To be delivered to whom.

Clerk shall call meeting of school trustees, when.

Notice to all interested parties.

Time within which meeting of trustees shall be held.

Duty of trustees regarding petition.

Record.

County superintendent may make an order establishing new district, when.

Appeals may be taken by whom and to whom.

Appeal from decision of board of trustees; requirements of.

To be filed, when and where.

Notices of appeals in each case.

petition and such petition shall be delivered in person to the Clerk of the School District out of which it is proposed to organize such new district. Immediately upon receipt of such petition, the District Clerk shall call a special meeting of the Board of Trustees for the purpose of considering such petition and shall notify them by mail of the time, place and purpose of such meeting, and shall immediately give notice to all parties interested by posting or causing to be posted at least ten days prior to the date of such meeting, in at least three of the most public places in the proposed new district and one on each school house door in the district and in three of the most public places in the remaining portion of the old district notices stating the time, place and purpose of such special meetings of the Board of Trustees, which meeting of the Board of Trustees shall be not less than twenty days from date of the receipt by the Clerk of such petition. The Board of Trustees of said district at such special meeting shall approve or deny the said petition and shall enter their approval or denial upon the records of the district within ten days from the date of such meeting and shall forthwith transmit the original petition together with a certified copy of the minutes of said meeting to the County Superintendent of Schools. If the Board of Trustees of said school district shall approve of the division of said school district, and no appeal is taken from their decision as herein provided, the County Superintendent of Schools may thereupon make an order establishing such new district, defining its boundaries. Any three resident taxpayers of either the proposed new district or the remaining portion of the original district may within thirty days appeal from the decision of the said Board of Trustees granting or denying said petition to the County Superintendent of Schools and may within thirty days appeal from any decision or order made by the County Superintendent of Schools to the County Commissioners whose decision shall be final. An appeal from the decision of the Board of Trustees shall be in writing, subscribed by the parties taking the appeal, and recite sufficient facts to show their rights to appeal hereunder and that it is an appeal from the decision of the Board of Trustees and such appeal shall be filed with the County Superintendent within the above mentioned time allowed for appeal. In the event of such appeal to the County Superintendent, or in the event of an appeal from the decision or order made by the County Superintendent to the County Commissioner, notices

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shall be given by the County Superintendent, or by the County Clerk, in the same manner provided in the preceeding sub-division of this Section.

3. Incorporated Towns and Cities Not Included in New Districts.—That no territory within the corporate limits of any incorporated city or town shall be included in any new school district formed or created under the provisions of this Act.

Territory of incorporated towns and cities not to be included.

Section 9. That Section 405 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Division of Funds and Indebtedness, be and the same is hereby amended to read as follows:

Law amended.

"405. Division of Funds and Indebtedness.

1. Selection of Trustees. When a new district is organized, such trustees of the old district as reside within the limits of the new one shall be trustees in the new district, and the County Superintendent must appoint the remaining trustees for the new and old districts, who shall hold office until the next annual election.

Trustees of old district who shall be trustees of the new.

Superintendent to appoint remainder.

2. Apportionment of Moneys to New District.

No new district, organized as provided in Section 404, shall be entitled to any share of public money belonging to the old district until school has actually been taught one month in the new district; and unless within eight months from the order of the County Superintendent granting such new district, a school is opened, the action making a new district shall be void and all elections or appointments of trustees or clerks made in consequence of such action, and all rights and office of parties so elected or appointed shall cease and determine.

When new district shall be entitled to portion of money of old.

Act making new district void if school is not opened within eight months.

3. Division of District Funds and Property.

When a new district is formed from one or more old ones, the school funds remaining to the credit of the old district, after providing for all outstanding debts, except debts incurred for building and furnishing school houses, shall be divided as follows: The basis for the division of the school fund shall be the school population, as shown by the last school census before the division of the district or districts occurred, and shall apply to such funds as remain to the credit of said old district or districts at the time of the organization of said new district, and said district shall receive funds in proportion to its percent of said census. In case of division, each district shall own and hold all permanent property such as sites, school houses and furniture situated within its boundaries. All division of funds under this provision shall be made by the County Superintendent, and when

Division of funds of old district.

Basis of division.

Property which each district shall hold.

County superintendent to make division of funds.

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Duty of county treasurer to hold funds, until when.

there are unpaid special taxes on the county tax book belonging to a district at the date of its division, the county treasurer, upon being notified of such division by the county superintendent, shall retain all moneys received in payment of such special tax until the same shall be apportioned by the County Superintendent, whose duty shall be to apportion said money quarterly between the fractions of the divided district according to the location of the property on which said tax was levied. At the first apportionment after the organization of a new district, the County Superintendent shall apportion to such district its per capita proportion of the general fund, but no money, either from the general or special fund, shall be paid out of the County Treasury on account of such district, until a school shall have been taught therein one month; Provided, that any new district shall be entitled to its apportionment, where the time that school was maintained in the old district before division and in the new one after division, shall be equal to at least four months.

First apportionment.

No money to be paid out until when.

Proviso.

4. Distribution of Indebtedness.

Apportionment of indebtedness between districts

Basis of apportionment.

If, at the time such new district is created, there is any indebtedness against such old school district, then the county superintendent of the county in which such districts are located shall apportion such indebtedness between said districts, by first deducting from said indebtedness the amount of all moneys in the treasury belonging to the sinking fund of said old district, and then apportioning the remainder of the indebtedness between the respective district in proportion to the value of the school property in the new district.

5. Trustees Issue Interest Bearing Warrants.

Issue of warrants in settlement of indebtedness.

Indorsements on warrants.

Rate of interest.

That upon the adjustment of such indebtedness, it shall be the duty of the Board of Trustees of such new district to cause to be made out, issued and delivered to the trustees of such old district, warrants equal to the amount of such indebtedness apportioned to such new districts, which warrants, upon presentation, shall be endorsed by the Treasurer of the County, "not paid for want of funds," and shall thereafter draw interest at the rate of six percent per annum.

6. County Commissioners Levy Tax for Interest Bearing Warrants.

Levy of taxes for payment of interest on warrants.

Until said warrants are paid, it shall be the duty of the Board of County Commissioners of said county to annually levy a tax upon the taxable property of such new school district sufficient to pay the interest on said

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warrants, and the money realized from the levy of such taxes shall be, by the County Treasurer, kept in a special fund to be used solely for the purpose of paying the interest and principal of said warrants. Money to be kept in separate fund.

7. Trustees May Issue Bonds.

The School Trustees of such new school district shall have, and are hereby given the power and authority to issue on the credit of their district coupon bonds and sell and dispose of the same for the purpose of providing the necessary funds to pay such warrants. Such bonds shall be issued and disposed of upon the conditions and in the manner provided in Section 2030 of this Act, except that said bonds shall recite in the body of each bond that, "This bond is issued for the purpose of providing funds to pay outstanding warrants." Trustees empowered to issue district bonds to pay warrants. Bonds to be issued and disposed of, how.

Section 10. That Section 408 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly be and the same is amended by adding thereon a new subdivision numbered three relating to Discontinuance as Joint District, to read as follows: Law amended by adding new subsection.

"3. Discontinuance as Joint District.

Whenever the County Superintendents of two or more counties having a joint district are agreed that there is no good and sufficient reason for the continuance of such district as a joint district, they may, after holding a hearing with the trustees of the district, certify in writing to the County Commissioners of the several counties concerned, their reasons for desiring to discontinue such district as a joint district, who shall, within thirty days of receiving notice from the county superintendent, inform the County Superintendent of their own county whether in their judgment the district should be discontinued as a joint district. If the several boards of County Commissioners are agreed to the discontinuance of the district as a joint district, then the several county superintendents, each for her own county, shall proceed, either to organize a new district or districts, under the provisions of Section 404 or 405, as the same may require, or to attach abandoned territory to adjacent district of the same county, under the provisions of Section 406." Discontinuance of joint district, procedure. Duty of county commissioners When the several boards of county commissioners are in agreement, duty of the county superintendents.

Section 11. That sub-divisions 5 and 6 of Section 502 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Term of Office and Oath of Trustees be and the same is hereby amended to read as follows: Law amended.

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"5. Term of Office, Vacancy. Oath of Trustee.

Trustees elected shall qualify and take office, when and for what time.

Trustees elected shall take office immediately after qualifying and shall hold office for the term of three years except as elsewhere expressly provided herein, and until their successors are elected or appointed and qualified.

Clerk of district to furnish blank oath of office.

Oath of office to be filed, where and when.

The Clerk of the District shall at the time of issuing certificate of election to a person elected as trustee, deliver to such person a blank oath of office. Every trustee shall file his oath of office with the County Superintendent of Schools within fifteen days of the receipt of the Certificate of Election and blank oath of office from the clerk. Any Trustee failing to qualify as herein provided shall forfeit all rights to his office and the County Superintendent of Schools shall appoint to fill the vacancy caused thereby.

Failure to qualify.

"6. Vacancy in School Board.

How vacancies in office of school trustee shall be filled.

In districts of first and second class.

A Vacancy in the office shall be filled by appointment by the County Superintendent of Schools; provided, that in districts of the first and second class, such appointment shall be subject to confirmation by a majority of the remaining members of said board, if those remaining constitute a majority of the total number of the board. The trustee so appointed shall hold office until the next annual election, at which election there shall be elected a school trustee for the unexpired term. When any vacancy occurs in the office of trustee of any school district by death, resignation, failure to elect at the proper time, removal from the district, or other cause, the fact of such vacancy shall be immediately certified to the County Superintendent by the Clerk of the school district, and the County Superintendent shall immediately appoint in writing some competent person who shall qualify and serve until the next annual school election. The County Superintendent shall at the time notify the Clerk of the School District of every such appointment; Provided, that absence from the school district for sixty consecutive days or failure to attend three consecutive meetings of the Board of Trustees without good excuse shall constitute a vacancy in the office of trustee."

Term of office of appointed trustee.

Clerk of district shall certify existence of vacancy to county superintendent.

Superintendent shall appoint successor, when.

Notice of appointment.

Acts which constitute a vacancy in the office of trustee.

Law amended.

Section 12. That sub-division 5 of Section 507 of Chapter 76, of the Session Laws of the Thirteenth Legislative Assembly, relating to Transfer of Apportionment, be and the same is hereby amended to read as follows:

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"5. Transfer of Apportionment.

When pupils attend schools in other districts, apportionment money to be sent district.

Any Board of Trustees, must, when pupils belonging in their district are attending school in another district, transfer school moneys due by apportionment to such pupils, to the district in which they are attending school, if in the judgment of the County Superintendent of Schools said children are attending school in another district for a good and sufficient reason."

Law amended.

Section 13. That sub-division 11 of Section 508 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to clothing and medical aid for indigent children, be and the same is hereby amended to read as follows:

Indigent children, clothing and medical aid to be furnished, when.

"11. To provide clothing and medical aid for indigent children when it shall be made to appear that such aid is needed; and to employ a physician to make an examination into the sanitary conditions of the school and the general health conditions of each pupil, and to make a full, detailed report to the Board of Trustees. The Clerk of the District shall furnish immediately to each parent or guardian a copy of such portion of the above mentioned report as pertains to his child or ward."

Examination into sanitary condition of school and children.

Report to be furnished each parent.

Law amended.

Section 14. That sub-division 3 of Section 512 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, relating to Duties of District Clerk, be, and the same is hereby amended to read as follows:

Duty of clerk to make annual census of school children.

"3. To make annually between the first day of September and the first day of October of each year, an exact census of all the children and youths between the age of six and twenty-one years residing in the district, and shall specify the sex, age and date of birth of such children. He shall take the name of each child, the same to be spelled out in full, the Christian and surname of both parents, or guardians, and including initials of all middle names, together with the place of residence of said parents or guardians, specified by street and number, if living in city or town; or, if living in any other than a city, or town, the postoffice address of said parents or guardians must be given. In case families change residence from one district to another during September, children shall be listed in the district in which they will attend school. He shall take specifically and separately a census of all children under the age of six years as in the manner aforesaid, all children under twenty-one years of age who may be absent from home for any cause, shall be included by the district clerk in the census

Children changing residence during September to be listed, where.

Specific census of children under six years.

Children under twenty-one away from home.

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Report to county superintendent.

list of the city, town or district in which their parents reside. He shall make under oath, two full reports for the County Superintendent thereof on blanks furnished for this purpose to the County Superintendent within fifteen days after the completion of the census and deliver a copy to the school trustees. Failure to make such report as specified shall constitute a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than fifty dollars. For taking the census the District Clerk shall be paid by the Board of Trustees from the county school money, to the credit of the district, in the same manner as other contingent expenses are paid, at a rate not exceeding ten cents for each child's name returned by him. He shall receive such other compensation for other services as may be allowed by the Board of Trustees. In case any district clerk shall fail to take the census provided in this Act at a proper time, and if through such neglect the district fail to receive its apportionment of school moneys, said school clerk, shall be individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district in the name and for the benefit of the district."

Failure to make report a misdemeanor.

Penalty.

Compensation for taking census.

Other compensation of district clerk.

Liability to district in case of failure to take census.

Law amended.

Section 15. That sub-division 4 of Section 512 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly as amended by Section 3 of Chapter 81 of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Annual financial statement of district.

"4. The Clerk of the School District shall make annually between the first and twentieth day of July of each year, an exact detailed and itemized statement of all moneys expended by, or in behalf of the school district, which statement shall show all receipts and disbursements made on behalf of the school district from July 1st of the preceeding year to July 1st of the current year. In districts where the annual expenditures are less than five thousand dollars, ($5,000.00) per annum, the Clerk shall prepare and file with the Board a detailed and itemized statement of all moneys expended, showing the number of warrants, together with the date thereon, to whom such warrant was paid, the amount of such warrant and the purpose for which such warrant was drawn, and shall post a copy of such statement in three conspicuous places in the district, one of which shall be on the school house of the district and in all districts disbursing annual amounts exceeding five thousand

What statement shall show.

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($5,000.00) Dollars, he shall file with the County Superintendent a copy of said statement not later than the first week in August."

Law amended.

Section 16. That Section 604 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Who May Attend, be and the same is hereby amended to read as follows:

"604. Who May Attend.

Public schools shall be open to whom.

Every Public School not otherwise provided for by law shall be open to the admission of all children between the age of six and twenty-one years residing in the school district, and the Board of Trustees shall have the power to admit children not residing in the district as hereinbefore provided. Provided, however, that trustees may establish continuation schools, part time and night schools for persons over twenty-one years of age; provided, that none of the funds apportioned under Section 202, sub-division 12 of this Act shall be expended for such purposes.

Trustees may establish continuation schools for whom.

Law amended.

Section 17. That Section 608 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, relating to Maintenance of Schools in Isolated Sections, be, and the same is hereby amended to read as follows:

"608. Maintenance of Schools in Isolated Sections.

Isolated districts.

In districts in which there may be an isolated section or sections where reside not less than four children, which sections are situated not less than five miles from the established school in such district, in which isolated section or sections is maintained for not less than three months a school presided over by a regular qualified teacher for the benefit of all children of such section, the Board of Trustees of such district shall pay to the teacher of such school the apportionment of the school moneys for the census children so attending said school and such other moneys as may be necessary for at least a four months school, provided, in the judgment of the County Superintendent of Schools the district has sufficient funds to support such school.

How schools shall be maintained in.

Law amended.

Section 18. That Section 800 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Certificate of Qualifications, be, and the same is hereby amended to read as follows:

"800. Certificate of Qualification.

Certificates to teach shall not be granted to aliens.

1. Qualifications. No certificate to teach in the public schools of Montana shall be granted to any person, who is not a citizen, or has not declared his intention of

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When certificate granted to non-citizens shall be automatically revoked.

becoming a citizen, provided, that when such certificate to teach in the public schools in the State shall be issued to any person who shall not within seven years become a citizen, such certificate shall be automatically revoked and such person shall be ineligible to receive a certificate until he becomes a full citizen.

Age and health requirements.

2. No person is eligible to teach in any public school in this State, or to receive a certificate to teach, who has not attained the age of eighteen years, and who has not secured a health certificate from a reputable physician.

Who shall not be accounted a qualified teacher.

3. No person shll be accounted a qualified teacher within the meaning of the school law who has not first secured, from the State Board of Educational Examiners a certificate setting forth his qualifications; or who has not secured a temporary certificate from the State Board of Educational Examiners; or who has not a certificate endorsed by the County Superintendent of Schools; or who has not a state or life certificate issued by the State Board of Educational Examiners; or who has not a temporary state certificate issued by the State Superintendent; or who does not hold a certificate from the State Normal College; or who has not a university certificate of qualification to teach. Upon the request of any Board of School District Trustees or its representatives or any County Superintendent of Schools, the State Board of Educational Examiners may grant, without examination, a special certificate valid only in the district requesting the same, in music, drawing, elocution, physical culture, penmanship, manual training, domestic science, agriculture, commercial and kindred subjects, first three-year primary, and kindergarden grades to any teacher who presents satisfactory evidence of special proficiency for teaching the above subjects, as shown by any certificate or credentials held by such teacher; Provided, that such special certificates shall be valid for only one year, and on the payment of one dollar ($1.00) into the State Teachers Certificate Fund, shall entitle the holder to teach only such special subjects as are stated in said certificate, Provided, that if the applicant continues teaching in the same district more than one year, upon the renewed application to the State Board of Educational Examiners and upon the payment of a fee of three dollars ($3.00) into the State Teachers Certificate Fund said special certificate may become valid during the term of service in the same district, and provided that all certificates before they shall be valid in any county

Special certificates may be granted, when, and to teach special branches or grades.

Special certificate to remain valid for what period.

Fee for.

When certificate shall remain valid for three years.

Fee to be paid.

Certificates must be registered, where and when.

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must be registered in the office of the County Superintendent within ten days after the term of service of any teacher begins; and not more than ten days' salary shall be paid any teacher for services rendered previous to the registration of such certificate."

Law amended.

Section 19. That Section 806 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to suspension of Teachers' certificates, be and the same is hereby amended to read as follows:

"806. Suspension of Teachers' Certificates.

Unprofessional conduct.

Should any teacher employed by the Board of School Trustees for a specified time, leave the school before the expiration of such time, without the consent of the trustees in writing, said teacher shall be guilty of unprofessional conduct, and the State Board of Educational Examiners may, upon receiving notice of such fact, suspend the certificate of such teacher for the period of six months, if said teacher is a holder of a second grade, first grade or professional certificate. Should such teacher be the holder of a State or life certificate, the County Superintendent shall report the delinquency of the teacher to the State Board of Educational Examiners who may suspend said certificate for the period of one year.

State Board of Educational Examiners may suspend certificate for six months, when.

When suspension may be for one year.

Law amended.

Section 20. That Section 900 of Chapter 76 of the Session laws of the Thirteenth Legislative Assembly, relating to Examination of Teachers, be and the same is hereby amended to read as follows:

"900. Examination of Teachers.

1. State Board of Educational Examiners.

State Board of Educational Examiners created.

There is hereby created a State Board of Educational Examiners, whose duty it shall be, subject to the regulations of the State Board of Education, to provide rules for the issuance of all teachers' certificates, prepare questions for teachers' examinations and oversee the marking and grading of papers, both county and state.

Duties of Board.

Board to be composed of whom.

This Board of Educational Examiners shall be composed of the Superintendent of Public Instruction, who shall be ex-officio Chairman of the Board, one member from the faculty of one of the component institutions of the University of Montana, one County Superintendent of Schools, one High School Principal, and one District Superintendent, all four to be elected by the State Board of Education upon the nomination of the Superintendent of Public Instruction at the June meeting of the Board.

How elected.

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Appointments shall be for how long.

All appointments, shall be for two years except two of the first appointments, which two shall be for one year.

Vacancies.

All vacancies shall be filled for the unexpired term.

To serve without compensation.

The members shall serve without pay except for necessary

Expenses to be paid with what funds.

expenses, and any bills incurred by them must be paid out of the moneys received as fees for certificates.

2. State Teachers Certificate Fund.

Fees for certificates to be deposited in what funds.

All fees for certificates shall be deposited with the State Treasurer and kept in a fund to be known as the State Teachers' Certificate Fund, and no claims shall be

How claims are to be paid.

paid from this fund except upon warrants drawn by the State Auditor upon claims approved by the State Board of Examiners and the State Superintendent of Public Instruction.

3. Examination of Teachers.

Examinations by county board of educational examiners.

The County Board of Educational Examiners shall hold public examinations to all persons over eighteen years of age offering themselves as candidates for teachers of

To be held, where and when.

public schools, at the county seat, on the first Thursday and Friday of June and December of each year, and, when necessary, such examinations may be continued on

How examinations are to be conducted.

the following day, at which time the Board shall examine such candidates by a series of written or printed questions according to rules prescribed by the State Board of Educational Examiners. The questions prepared by

Opening of questions prepared by State Board.

the State Board of Educational Examiners, when received by the County Superintendent shall not be opened or the seal thereof broken until the day of examination

No information concerning questions to be given any person.

and then in the presence of the applicants. And the County Superintendent is prohibited from furnishing or giving to any person or persons any information concerning the questions prepared by the State Board of

Papers which shall be forwarded to State Board.

Educational Examiners. Upon the completion of the examination, all papers written by the several applicants, together with statements covering such points in the candidates' preparation and experience as the State Board of Educational Examiners may require and personal information or recommendations by the county board of educational examiners, shall be forwarded at once to the State Board of Educational Examiners for grading.

When examinations may be conducted elsewhere, and by whom.

If the attendance upon any examination of teachers at the county seat shall work a great hardship to any teacher in the county, the County Superintendent, upon the approval of the State Superintendent, may provide for such teachers to take the examination at some convenient place and the County Superintendent may appoint some suitable person to conduct such examination, under

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the rules and regulations prescribed by the State Board of Educational Examiners.

4. Grading of Papers.

When certificate of qualifications shall be granted.

If the percentage of correct answers is not less than 70% in any one branch with a general average of 80%, and other evidence disclosed by the examination including particularly the State Board's knowledge and information of the candidates scholarship and successful experience, indicates that the applicant is a person of good moral character and possesses ability to manage, and fitness to teach in the public schools of the State, the various branches required by law, said State Board shall grant to such applicants a certificate of qualification."

Law amended.

Section 21. That Section 903 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Duties of County Board of Educational Examiners, be and the same is hereby amended to read as follows:

"903. Duties of County Board of Educational Examiners.

Duty of county board to meet with superintendent and conduct examination.

The duties of these two examiners shall be to meet jointly and equally with the County Superintendent in the matter of conducting the examination of teachers when requested so to do by the County Superintendent.

To conduct eighth-grade examination, when.

This Board of Examiners shall also conduct all eighth grade examinations in their respective counties when requested to do so by the State Board of Education under their rules and regulations; and it shall be empowered to grant eighth grade diplomas or common school certificates to all examinees successfully passing such examinations."

Law amended.

Section 22. That Section 904 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Compensation of Board of Examiners, be and the same is hereby amended to read as follows:

"904. Compensation of Board of Examiners.

Compensation of examiners.

The compensation of these examiners shall be their actual traveling expenses from their residences to and from the county seat or other point in the county where the examinations are held, and such further compensation per diem as the Board of County Commissioners may deem just and sufficient for their services, basing such compensation upon the actual quantity of work performed by them and the actual time required to perform it. Such claims shall have the approval of the County Superintendent of Schools.

Claims to be approved by whom.

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Law amended.

Section 23. That Section 905 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Certificates, be and the same is hereby amended to read as follows:

"905. Certificates.

1. Kinds.

(a) Second Grade.

Qualifications and examination for second-grade certificate.

To secure a second grade certificate no experience is required. Applicants for this grade must present evidence of good moral character and physical health and shall pass an examination in the following branches, or such additional branches as may hereafter be prescribed by the State Board of Education; reading, writing, arithmetic, spelling, grammer, geography, physiology and hygiene, United States History, civics, (State and Federal), and theory and practice of teaching. This certificate shall be valid, for a period of twenty-four months, and on being endorsed and registered in the office of the county superintendent, shall be valid in any county in the State.

Certificate to be valid for what period.

(b) First Grade.

Qualifications and examination for first-grade certificate.

To secure a first grade certificate, the applicant must present evidence of good moral character and physical health, must have had twelve months' successful experience as a teacher, and must in addition to the branches required for a second grade certificate, take an examination in Americn Literature, Physical Geography, Elementary Psychology and school management or such other branches as may be prescribed by the State Board of Education. This certificate shall be issued for a period of three years and shall be valid in any county on being endorsed and registered in the office of the County Superintendent.

(c) Professional.

Qualifications and examination for professional certificate.

To secure a professional certificate the applicant must present evidence of good moral character and physical health, must have had at least eighteen months successful experience as a teacher, and in addition to the branches required for a first grade certificate, must pass an examination in Montana School Law, Educational Psychology, Principals of Education or such other branches as may be prescribed by the State Board of Education.

Life of certificate.

This certificate shall be issued for a period of four years and shall be valid in any county on being endorsed and registered in the office of the county superintendent of schools.

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(d) Temporary Certificates.

Temporary certificates may be granted for what period, and to whom.

The State Board of Educational Examiners may grant a temporary certificate to teach until next regular examination to any person applying at any other time than at a regular examination, and who has previously held a valid certificate to teach, or who has had training beyond high school graduation, but such temporary certificate shall not be granted more than once to any person; Provided, that when it is impossible because of sickness or other valid reasons for such teacher to attend the next regular examination, such teacher shall certify the facts to the State Board of Educational Examiners, together with the approval of the County Superintendent of Schools, and this Board may issue a second permit valid until the next regular examination. Provided, further that when a teacher shows special fitness to teach and passes at the examination 70% or above in all subjects but fails to make an average of 80%, or secures an average of 80% for all branches, but fails to make 70% in one or two branches, such teacher may, at the discretion of the State Board of Educational Examiners, be issued a permit to teach until the next regular examination; and at such examination no teacher shall be required to be examined in any branch which she has obtained a grade of 80%. Such a permit shall not be issued to any teacher more than once.

Granted once only, except when.

Second examination.

2. Fees for Certificates.

Fee upon application.

Every applicant for a certificate shall pay one dollar, ($1.00) to the County Superintendent, which shall be forwarded by him to the State Board of Educational Examiners, to be deposited in the State Teachers' Certificate Fund.

3. Re-Canvas of Papers on Appeal.

Appeal to State Board of Educational Examiners.

Any candidate thinking an injustice has been done, by paying a fee of two dollars ($2.00) into the Teachers' State Certificate Fund and by notifying both County and State Superintendent of the same, shall have his papers re-examined by the State Board of Educational Examiners. The County Superintendent shall upon receipt of such notice from said complaining candidate, notify the State Superintendent of Public Instruction, who shall have the State Board of Educational Examiners re-examine the same and if the answers warrant it, the State Board of Educational Examiners shall issue to such complaining candidate a certificate of proper grade, and the State Superintendent shall return the appeal fee of two dollars to the teacher.

County superintendent to give notice.

State Board may issue certificate, when.

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4. Revocation of Certificate.

Certificate may be revoked for what cause at any time.

The State Board of Educational Examiners is authorized and required to revoke and annul, at any time any certificate granted by the State Board of Educational Examiners or any certificate issued previous to the passage of this law, for any cause which would have authorized of required the Board to refuse to grant it if known at the time it was granted, and for incompetency, immorality, intemperance, physical inability, crime against the State Law, refusal to perform his duty or general neglect of the business of the school. The revocation of the certificate shall terminate the employment of such teacher in the school in which he may at the time be employed but the teacher must be paid up to the time of receiving notice of such revocation."

Effect of revocation.

Law amended.

Section 24. That Section 906 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, Relating to Renewals, be and the same is hereby amended to read as follows:

"906. Renewals.

Renewal of professional and first-grade certificates.

Before the expiration of any professional or first grade certificate, such certificate shall be renewed by the State Board of Educational Examiners, upon the proper fee being paid into the State Teachers' Certificate Fund as provided for in the case of examination; Provided, that no professional or first grade, certificate shall be renewed unless the applicant has taught successfully, as shown by two or more testimonials, at least twelve months during the life of such certificate, and provided further that the State Board of Educational Examiners may require evidence of the accomplishment of a minimum amount of reading circle work as a requisite for the renewal of a certificate. Said professional or first grade certificate shall be renewed by the State Board of Educational Examiners by endorsement thereon."

By State Board of Educational Examiners.

Law amended.

Section 25. That Section 907 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Higher Grade Certificates and How Secured, be and is hereby amended to read as follows:

"907. Higher Grade Certificate. How Secured.

Application and examination for higher grade certificate.

Whenever application is made by a holder of an unexpired first grade or second grade certificate for examination for any higher grade certificate, and it shall be made to appear to the State Board of Educational Examiners that such applicant has been engaged in teaching successfully, as shown by two or more testimonials, in any of the public schools of the State for a period of

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twelve months or more, the said applicant shall be entitled to be credited on such higher certificate in all subjects in which he has received 80% or above, as shown on the said unexpired certificate, and shall not be required to be examined in any studies except the additional ones prescribed for such certificates and such other studies in which he may not have secured 80% on his unexpired certificate."

Law amended.

Section 26. That Section 908 of Chapter 76 of Session Laws of the Thirteenth Legislative Assembly, relating to University Credits Acknowledged, be and is hereby amended to read as follows:

"908. University Credits Acknowledged.

University credit to be given applicant, when.

Any applicant for any grade of certificate who has completed at any of the institutions of the University of Montana any branch for such certificate, shall upon filing with the State Board of Educational Examiners a statement from the president of said institution to that effect, have such grade credited without examination on such certificate."

Law amended.

Section 27. That Section 909 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Existing Certificates Validated, be and the same is hereby amended to read as follows:

Permission to teach under professional, first and second-grade certificates.

"909. Existing Certificates Validated. Any person now holding a professional, a first grade or a second grade certificate, shall be permitted to teach thereunder during the life of such certificate; and any person now holding a professional or first grade certificate may have the same renewed by the State Board of Educational Examiners upon the proper fee being paid into the State Teachers' Certificate Fund as provided for in the case of examination; Provided, that there shall be no limit to the possible number of such renewals. No such certificate shall be renewed unless the applicant has taught at least twelve months during the life of such certificate. Whenever application is made by any person now holding an unexpired first grade or second grade Montana Certificate for examination for any higher grade certificate provided for in this Act, and it shall be made to appear to the State Board of Educational Examiners that such applicant has been engaged in teaching in any of the public schools of the State for a period of one year or more, said applicant shall be entitled to be credited with the percentage on his last examination for said first or second grade certificate, as the case may be, and shall not be required to be examined in any studies except

Professional and first-grade certificates renewed upon payment of fee.

No limit to number of renewals.

Teaching required.

Credit to be given upon application for renewal of first and second-grade certificates.

Examinations required.

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the additional ones prescribed for such certificate and such other studies as the applicant may not have secured the required percentage on previous examination; Provided, that to excuse any person now holding a certificate from taking the examination upon any branch of any grade, he or she must have secured upon such branch, at his or her last previous examination at least 80%."

Law amended.

Section 28. That Section 1200 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Library Fund, be and the same is hereby amended to read as follows:

Library Fund created.

How expended.

When may be used for other purposes.

"1200. Library Fund. A Library Fund is hereby created, and the Board of School Trustees must expend the library fund together with such moneys as may be added thereto by donation, in the purchase of books for a school library, including books for supplementary work; Provided, that in school districts in which a free public library is maintained such library fund may, in the discretion of the Board of Trustees, be used for the payment of the current expenses for maintenance of the schools; provided, also that with the approval of the County Superintendent of Schools a surplus in the Library Fund, after furnishing for all necessary reference works and library books, may be spent for other needed equipment."

Library Fund

Section 29. That Section 1501 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to qualifications, of City Superintendent of Schools, be and the same is hereby amended to read as follows:

"1501. Qualifications.

Qualifications of a city superintendent.

The person appointed to such position shall be the holder of a State Certificate of the highest grade issued in some State, or a graduate of some reputable university, college or normal school, and shall have taught in public schools at least five years if the district is of the first class, or three years if the district is of the second class."

Law amended.

Section 30. That Section 1600 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, as amended by Chapter 42 of the Session Laws of the Fifteenth Legislative Assembly, relating to School House Sites, be and the same is hereby amended to read as follows:

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"1600. School House Sites.

Purchasing or disposing of schoolhouse sites.

Whenever, in the judgment of the Board of Trustees of any school district of the third class, it is desirable to select, purchase, exchange or sell a school house site, or whenever petitioned so to do by one-third of the voters of such district, the district board, shall without delay call a meeting at some convenient time and place fixed by the board, to vote upon such question of selection, purchase, exchange or sale of school house site. Such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices giving the time, place and purpose of such meeting shall be posted in three public places in the district by the clerk at least ten days prior to such meeting. If a majority of the electors of the district voting at such meeting or election shall be in favor of selecting, purchasing, exchanging, or selling the school house site, the Board shall carry out the will of the voters thus expressed; Provided, that all sites so chosen must be approved by the County Superintendent of Schools and the County Health Officer and also provided that any sites so changed cannot again be changed within three years from the date of such action except upon the advice of the County Superintendent of Schools and County Health Officer.

Procedure.

Election; manner of holding and canvassing vote.

Notices to be posted.

Board shall execute the will of voters expressed by majority vote.

Site must be approved by whom.

Cannot again be changed within three years.

The School site shall be selected in a place that is convenient, accessible, suitable, and well drained, provided that in districts of the first and second class the site shall be not less than one-half of an average city block, and in districts of the third class shall contain not less than one acre. The State Board of Land Commissioners shall have authority to sell to any school district at the appraised value, or to lease for any period of time less than ninety-nine years, at a rental of one dollar per year, any tract of State land not exceeding ten acres, to be used for school house site."

Location and sizes of school sites.

Land Commissioners may sell or lease site at what prices or terms.

Section 31. That Section 2001 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Common School Levy, be and the same is hereby amended to read as follows:

Law amended.

"2001. Common School Levy.

In addition to the provisions for the support of common schools, hereinbefore provided it shall be the duty of the county commissioners of each county in the State to levy an annual tax of six mills on the dollar of the assessed value of all taxable property, real and personal,

Levy of six mills to be made annually for school purposes.

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To be made, when.

within the county which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, which tax shall be collected by the county treasurer at the same time and in the same manner as State and County taxes are collected. For the further support of the common schools, there shall also be set apart by the County Treasurer all moneys paid into the County Treasurer arising from all fines or violations of law, unless otherwise specified by law. Such money shall be forthwith paid into the County Treasury by the officer receiving the same, and be added to the yearly school fund raised by taxing each county and dividing in the same manner.

Money from fines.

To be paid in, when.

Law amended.

Section 32. That Section 2002 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Special School Tax, be and the same is hereby amended to read as follows:

"2002. Special School Tax.

School trustees to certify amount of money needed annually, when.

On or before the second Monday in July, the Board of Trustees of each school district shall certify to the County Commissioners the amount of money needed by the district over and above the amount apportioned to it by the County Superintendent under the provisions of Section 2003 of this Act. to maintain the schools of said district. to furnish additional school facilities therefor, and to furnish such appliances and apparatus as may be needed, and, in districts of the first and second class to maintain a school term of at least nine (9) months in each year; in case the Board of Trustees of any school district shall fail to make such specification to the board of county commissioners at the time herein specified the County Superintendent shall ascertain the amount of money needed by the district for the purposes specified in this section and advise the County Commissioners on or before the time designated by law for the levy of tax, of the amount required by such school district; and the Board of County Commissioners shall thereupon levy a special tax, for such purposes, not exceeding ten mills per dollar on the taxable property of the district, such tax to be levied at the same time and in the same manner that other taxes are levied, and the amount of such special tax shall be levied upon each taxpayer of such district, and shall be collected in the same manner as other county and state taxes, and shall be placed in a separate column of the tax book, which shall be headed:

For what purposes.

Duty of county superintendent when trustees fail to certify amount.

County commissioners to levy a special tax.

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"SPECIAL SCHOOL TAX."

Column in tax books showing what.

There shall also be a column in said tax book, which shall be designated the number of the school district in which the property is listed. This tax, when collected shall be placed to the credit of the proper district, and shall be subject to the order of the district board."

Money to be credited to district.

Law amended.

Section 33. That Section 2004 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Purpose for Which Money May Be Used, be and the same is hereby amended to read as follows:

"2004. Purposes for which Money May Be Used:

School moneys to be used, how.

County School moneys may be used by the County Superintendent and trustees for the various purposes, as authorized and provided in this Act, and for no other purpose, except that in any district, any surplus in the general school fund to the credit of said district, after providing for the expenses of not less than nine months' school, on a vote of the qualified electors of said district, may be used for the purpose of retiring bonds and improving buildings and grounds, or erecting school buildings, a teacherage or barn. If any school money shall be paid by authority of the Board of Trustees for any purpose not authorized by this Chapter, the trustees consenting to such payment shall be liable to the district for the repayment of such sum, and a suit to recover the same may be brought by the county attorney, or if he shall refuse to bring the same, a suit may be brought by any taxpaying elector in the district."

When and how any supplies may be used.

Liability of trustees for expending money for purposes not authorized by chapter.

Duty of county attorney.

Law amended.

Section 34. That Section 2015 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to the Issuance of Bonds, be and the same is hereby amended to read as follows:

"2015. Issuance of Bonds.

Trustees empowered to issue and negotiate bonds.

1. Purposes. The Board of School Trustees of any school district within this State is hereby vested with the power and authority to issue and negotiate on the credit of the school district, coupon bonds for any one or more of the following purposes: (a) for the purpose of building, altering, enlarging, repairing, or acquiring by purchase, one or more school houses in said district; (b) for the purpose of furnishing and equipping one or more school houses in said district; (c) for the purpose of purchasing land for a school house site, and (d) for the purpose of constructing or acquiring by purchase, a teacherage in said district, and purchasing land necessary for the same.

For what purposes.

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2. Submission of Question.

Question of issuing coupon bonds shall be submitted to electors, when and how.

The Board of School Trustees of any school district within this state shall, whenever a majority of the school trustees so decide, or when petitioned so to do by thirty per centum of the qualified electors of said district, submit to the electors of the district, the question whether the board shall be authorized to issue coupon bonds to a certain amount, not to exceed three percent of the taxable property in said district, bearing a certain rate of interest not exceeding six percent per annum, payable semi-annually and payable at a certain time, and redeemable at a certain time, for any one or more of the purposes specified in Paragraph 1 of this Section. Upon the passing of a resolution by the Board of Trustees, submitting to the electors of the district the question of the issuance of bonds, the clerk of such school district shall, not less than 15 days before the date specified for such election, post notices in three public places in said district, and in incorporated cities and towns at least one notice in each ward, which notices must specify the time and place of election, the hours during which the polls will be opened, and the amount, the maximum rate of interest, time payable, time redeemable and purpose of the proposed bond issue. Such notice of election shall be substantially in the following form:

Limit in amount.

Rate of interest.

When redeemable.

Notices of election to be posted by clerk, when and where.

Contents of notice.

NOTICE OF SPECIAL BOND ELECTION.

Form of notice of bond election.

Notice is hereby given, by the undersigned Clerk of School District No..... of.....County State of Montana, that under and pursuant to a certain resolution, duly adopted at a meeting of the trustees of said school district, held on the ..... day of..... A. D., 19....., an election of the qualified electors of School District No..... of..... County, State of Montana, will be held at..... on the..... day of..... A. D., 19..... for the purpose of voting upon the question of whether the Board of Trustees shall be authorized to issue coupon bonds to the amount of..... .....Dollars ($ .....) bearing interest at a rate not exceeding..... percent per annum payable semi-annually, said bonds to be payable in..... years, and redeemable in..... years, for the purpose of.....

.....

The Polls will be open from..... o'clock..... M. until ..... o'clock..... M.

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Dated and posted this..... day of..... A. D., 19.....

.....

Clerk of said School District No.....

Question of issuing additional bonds may be submitted, when.

3. Additional Bonds. Should the trustees of any school district, in which bonds have heretofore been issued to any amount desire to submit to the electors of the district the question as to whether additional bonds shall be issued they may do so, but no such bonds shall be issued unless a majority of all votes cast at any such election shall be cast in favor of such issue of additional bonds; and in no case shall the whole issue of bonds exceed the amount of three percent of the taxable property within said school district.

Majority of all votes cast required.

Limitation.

Law amended.

Section 35. That Section 2016 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to the Manner of Holding Elections; Ballots; Form of Bonds, be and the same is hereby amended to read as follows:

"2016. Manner of Holding Elections; Ballots; Form of Bonds.

Manner of holding bond election.

1. Election—Such election shall be held in the manner prescribed for the election of school trustees.

Form of ballots.

2. Ballots—The ballots shall be substantially in the following manner.

"Shall Coupon Bonds be issued and sold to the amount of.....Dollars ($.....), bearing not to exceed.....percent interest, payable in..... years, and redeemable in.....years, for the purpose of (Briefly state purpose or purposes of such bond issue.)

☐	BONDS—Yes.
☐	BONDS—No."

Elector shall mark ballot, how.

The elector shall prepare his ballot by putting an "X" before "Bonds—Yes" in the vacant square provided therefor if he wishes to vote for the bonds, or before "Bonds—No." in the vacant square provided therefor if he wishes to vote against the bonds.

Instructions to be placed upon ballot at top.

The foregoing sentence containing instructions for the marking of the ballot shall also be printed, typewritten or written upon the ballot at the top thereof.

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Resolution providing for issuance of bonds to be passed, when.

3. Resolution for issuance of Bonds.

If a majority of votes cast at such election are in favor of the issuance of such bonds, the Board of School Trustees shall within sixty days from the date of such election pass a resolution providing for the issuance of such bonds and prescribing the form thereof, such bonds shall bear the signature of the chairman of the Board of Trustees and shall be signed by the Clerk of such school district, and the coupons attached to the bonds shall be signed by the said chairman and clerk, provided, a facsimile of the signatures of the Chairman and Clerk may be affixed to the coupons only when so recited in the bonds, and the corporate seal of the school district shall be attached to each of the bonds. Each bond so issued shall be registered by the County Treasurer in a book provided for that purpose, which shall show the number and amount of each bond, its date, date payable, date redeemable and the person to whom the same is issued or sold; and the said bonds shall be sold by the trustees as hereinafter provided."

Execution of bonds.

Facsimile signature on coupons.

Seal to be attached.

Registration of bonds.

Law amended.

Section 36. That section 2017 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Notice of Sale of Bonds, be and the same is hereby amended to read as follows:

"2017. Notice of sale of Bonds.

Publication and requirements of notice of sale of bonds.

The School Trustees shall give notice by advertisement in some newspaper published in this State, at least once a week for four consecutive weeks, the date of the first publication to be not less than 30 days prior to the date of sale; such advertisement must state the date, hour and the place where such sale will take place and also the amount of such bond issue and the denomination of the bonds; rate of intereest which they shall bear, time payable, time redeemable and the purpose of the proposed bond issue. Such bonds shall not be sold for less than their par value and the said trustees are authorized to reject any bids, and to sell such bonds at private sale if they deem it for the best interest of the district. The Board of Trustees shall forthwith upon the sale of such bonds, properly execute and issue the same and deposit with the County Treasurer, who shall register the same and deliver to the purchaser upon receipt of the purchase price therefor; Provided, however, that in case such bonds shall be purchased by the State Board of Land Commissioners, the County Treasurer shall forward the same to the State Treasurer who shall cause a warrant in payment for such bonds to be forwarded

Not to be sold for less than par.

All bids may be rejected and bonds sold at private sale, when.

Bonds must be executed, when and deposited, where.

Duty of county treasurer.

Purchase by State Board of Land Commissioners.

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to the County Treasurer. All moneys arising from the sale of said bonds shall by the County Treasurer be credited to said district and the same shall be immediately available for the purpose of such bond issue."

Proceeds of sale to be credited to school district.

Section 37. That Section 2019 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Tax, and Sinking Fund, be and the same is hereby amended to read as follows:

Law amended.

"2019. Tax; Sinking Fund.

The School Trustees of each district having an outstanding bonded indebtedness, shall on or before the first Monday in July of each year ascertain and certify to the Board of County Commissioners (and in the event that such school district is a joint school district, the Board of Trustees shall certify to the Board of County Commissioners of each county in which any portion of such joint district is located) the amount necessary to pay the annual interest upon such outstanding bonds, and a sinking fund to redeem the bonds at their maturity. Any Board of Trustees failing to comply with the provisions of this section shall be subject to immediate removal by the County Superintendent. In the event that the Board of Trustees in said district shall fail to comply with the provisions of this section, the County Superintendent shall advise the County Commissioners on or before the first Monday in August of the amount of money necessary to be raised for the above mentioned purpose. The County Commissioners shall thereupon compute and levy the necessary tax, and said tax shall become a lien upon all the property in said school district and shall be collected in the same manner as other taxes for school purposes."

Trustees to certify to county commissioners the amount necessary to pay annual interest on sinking fund for outstanding bonds.

Penalty for failure to so certify.

Duty of county superintendent in such event.

Duty of county commissioners in levying necessary tax.

Section 38. That Section 2105 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to Compensation of Trustees, be and the same is hereby amended to read as follows:

Law amended.

"2105. Compensation of Trustees.

The Trustees who do not reside at the place where said High School is established are entitled to mileage in attending the meetings of the Board. The Trustees of said High School shall serve without compensation, but shall pay their Secretary such reasonable compensation as may be determined and the Board shall make such reports, from time to time, as the County Superintendent of Schools or the State Superintendent of Public Instruction may require."

High school trustees to be allowed mileage, when.

Compensation of secretary.

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Laws repealed.

Section 39. That Section 2025 relating to repayment of borrowed moneys; Section 2026 relating to Special Levy to Repay Moneys Borrowed; Section 2027, relating to disposition of funds collected; Section 2028, relating to issuing bonds to repay borrowed moneys, Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, be and the same are hereby repealed.

Section 40. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 41. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

CHAPTER 197.

"An Act to Amend Section 38 of Chapter 173 of the Laws of the Fifteenth Legislative Assembly Relating to the Trapping and Killing of Beaver."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 38 of Chapter 173 of the Laws of the Fifteenth Legislative Assembly be, and the same is, hereby amended to read as follows:

Special license for beaver.

"Section 38. Before any person shall be allowed to so hunt for, trap, shoot or kill beaver, he shall apply for and receive from the State Game Warden, a special license.

Contents of application for license.

In the application for a license the applicant shall state his name, place of residence and the County and locality therein where such hunting for, trapping, shooting or killing is to be done, which facts must be stated in the license issued.

Killing of beaver unlawful except as provided.

It shall hereafter be unlawful to kill beaver within this state except as hereinafter provided:

Killing of beaver authorized for protection of property, when.

Provided that any taxpayer or bona fide owner of real estate in this State, may upon his own premises, or upon the right of way of his own ditches and trees, at any time kill or cause to be killed beaver when necessary for the protection of his dams, irrigating ditches and trees, and to prevent the over-flowing of water upon his premises.

Report to be made of killing or capture of beaver.

It is further provided, that it shall be the duty of the owner of the premises, or his duly authorized agent in charge of such premises when any beaver have been caught or killed, as provided in this Act, that the owner,

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or his duly authorized agent in charge of the premises on which said beaver were caught or killed, to make written report to the State Game and Fish Warden or his duly authorized deputies within thirty days after such beaver were caught or killed, stating the number of beaver so caught or killed and the location of the property where said beaver were caught or killed.

Permit for shipping or selling beaver skins, when granted.

Provided further, that when it is shown to the State Game and Fish Warden by said report, as provided in this Act, that he is the owner of, or duly authorized agent in charge of said property, that the State Game and Fish Warden shall issue a permit to the owner of the premises upon which the beaver were caught or killed to ship or sell the number of beaver skins as shown in his report.

Report of sale.

It is further provided, that it shall be the duty of each and every person after he or she has sold the skins of such beaver to make written report to the State Game and Fish Warden giving the number of skins sold, and the name of the party sold to.

Authorization to kill beaver upon open land and game preserves and upon county roads.

It is further provided, that the State Game and Fish Warden shall have the power to authorize the killing of beaver at any time upon open lands and Game Preserves when he shall deem it necessary to prevent the building of dams which would interfere or prevent fish from traveling up or down such streams where such dams shall be built; and further that the State Game Warden shall have authority to authorize the killing of beaver when they are causing damage upon the right of way of county roads.

Sale of pelts.

Provided, further, that all skins of beaver so taken by the State Game and Fish Warden shall be sold and the proceeds paid into the Fish and Game Fund.

Open season for martin.

Section 38 (a). It shall be lawful to take or kill martin at any time between the 15th day of September and the 1st day of the following May in any year, upon procuring from the State Game Warden a license to do so, and paying therefor a fee of One Dollar ($1.00), which amount shall be paid into the State Game and Fish Fund. Provided, further, however, that no person shall hereafter shoot, kill or in any way take or capture any game of whatsoever kind or character from any automobile, nor by the aid or use of any device, or a light or lights carried upon said automobile or attached thereto.

Fee for license.

Killing of game from automobiles prohibited.

Violation of Act a misdemeanor.

Any person or persons, violating the provisions of this Act shall be deemed guilty of a misdemeanor.

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Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1919.

CHAPTER 198.

"An Act to Amend Section 3 of Chapter 83 Session Laws of the Fifteenth Legislative Assembly of the State of Montana 'An Act Relating to a Mothers' Pension and for the Care of Dependent Children in Their Own Home by Their Mother, the Father of Said Children Being Dead, or an Inmate of some Montana Institution, or Who Has Failed to Provide for Said Children for a Period of One Year or More, or Who Is Physically or Mentally Incapacitated, and Whose Mother Is Financially Unable to Support Such Children; Providing a Penalty for the Violation Thereof, and Repealing Sections 1, 2, 3, 4, 5, 6 and 7 of Chapter 86 of the Session Laws of the Fourteenth Legislative Assembly.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 3 of Chapter 83 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Conditions upon which an allowance may be made for the support of dependent children.

"Section 3. Condition of Allowance. The allowance herein referred to shall be made subject to the following conditions: (1) The child or children for whose benefit allowance is made must be living with the mother of said child or children. (2) The allowance shall be made only when in the absence of such allowance the mother may be required to work regularly away from her own home and children, when by the means of such allowance she can remain at home with her children, provided that the mother may at times be absent for work by the consent of the Judge of the District Court, if he should deem it necessary and if such work does not injure her health or cause neglect of her children. (3) The mother must, in the judgment of the Juvenile Court Officer, if there be one, and if not, in the judgment of the Court, be a proper person physically, mentally and morally for the bringing up of her children. (4) Such al-

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lowance shall, in the judgment of court, be necessary to save the child or children from neglect. (5) No person shall receive the benefit of this Act who is not a citizen of the United States and who shall not have been a resident of the county in which said application is made for at least one year prior to the making of such application for such allowance. (6) Provided that the provisions of this Act shall not apply to any child who has property of its own sufficient for its support. (7) Application shall be made by the mother to the County Attorney whose duty it shall be to file a petition with the District Court or a judge thereof setting forth the facts above required. The said court or the judge thereof shall designate the Bureau of Child and Animal Protection of the State of Montana or the County Probation Officer of the county wherein the mother resides to make a thorough investigation of all the facts of the case and make such findings and report thereon under oath, as the result of the investigation, and to appear at the hearing of said application to testify in support of said findings and report, if required. And it is hereby made the duty of the County Attorney to appear at such hearing and conduct such investigation. (8) Every person receiving an allowance under this Act, shall every six months, file with the county auditor in counties having an auditor, and with the county clerk in counties not having an auditor, a report in writing, verified under oath, showing whether or not she has re-married; whether any of the children for whom she is receiving an allowance for support have died, or not living with her, or are not being supported by her; her present place of residence, and the present place of residence of the children for whom she is receiving an allowance; whether any of such children have attained the age of sixteen years, or have acquired property sufficient for their support."

Benefits of Act extended to citizens and residents only.

What children excluded from Act.

Procedure for obtaining benefits of Act.

Investigation of case, by whom to be made.

Duty of county attorney.

Report shall be made every six months by persons receiving allowance.

Facts to be incorporated in report.

Section 2. All acts and parts of act in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1919.

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CHAPTER 199.

"An Act Amending Sections 1, 3, 4, 5, 7, 8, 10, 11, 12, 14 and 20 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana Relating to Examination, Qualifications, Salaries and Expense of the State Dairy Commissioner and His Deputies; Providing for Inspection of Dairy Products and for the Regulation of Dairies, Creameries, Butter, Cheese, Condensed Milk and Ice Cream Factories, Defining Ice Cream; Regulating the Administration of the Babcock Test; Defining Storage Butter and Regulating Its Sale, and Adding to Said Chapter a New Section Known as "Section 3-A" Thereof; Prescribing a Schedule of License Fees for Dairies, Butter, Cheese, Condensed Milk and Ice Cream Factories; and Repealing All Acts in Conflict Herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 1 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Creation of office and appointment of State Dairy Commissioner.

"Section 1. That there is hereby created the office of State Dairy Commissioner of the State of Montana. No person shall be eligible to appointment to said office until he shall have passed an examination as herein provided.

Examining board, of whom to consist.

A Board of Examiners to be known and designated as the Board of Dairy Commission Examiners is hereby created, consisting of the Commissioner of the Department of Agriculture and Publicity of the State of Montana, the State Veterinarian of the State of Montana, and the Dean of the Montana Agricultural College.

Time and place of holding examinations.

Said Board shall at least once every two years or oftener when necessary, at such time and place as said Board shall designate, conduct an examination for the purpose of ascertaining the qualifications of all applicants for appointment to the office of State Dairy Commissioner.

Scope and object of examination.

Said examination shall be in writing and shall be sufficiently comprehensive to test the knowledge of the applicant on the subject of the management and breeding of dairy cattle, dairy sanitation, the testing of milk, cream and other dairy products, the manufacture of butter, cheese, condensed milk, ice cream and other dairy products, and also to ascertain the ability of the applicant as a public speaker.

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General fitness of applicants.

Said Examining Board shall likewise ascertain in each case, the general executive ability, past experience and general educational qualifications of each applicant. All examinations shall, so far as possible, be graded on the following table or percentage:

Grading of examination papers.

Examination	fifty per cent
General Education	ten per cent
Executive Ability	fifteen per cent
Past Experience	twenty-five per cent

Persons eligible to examination.

No person shall be eligible to take said examination or to hold the office of said Dairy Commissioner unless he shall be a citizen of the United States and of the State of Montana, and a resident in said State for a period of five (5) years before taking said examination. The manuscript and all other papers of said examination, together with the marks of the Examining Board shall be filed with the Secretary of State of the State of Montana, as public documents.

Examination papers, where filed.

Average percentage required for certification.

No person shall be certified as competent whose average percentage shall be less than seventy-five per cent, and the certificate issued shall show what percentage each applicant received upon said examination.

Appointment to be made from list of successful candidates.

Said Board of Examiners shall file with the Governor of the State of Montana, the names of all persons who shall have successfully passed said examination, showing percentage received by each person upon said examination. From said names so submitted, the Governor of the State of Montana shall appoint a State Dairy Commissioner for the term of two (2) years at an annual salary of Three Thousand (3,000) Dollars.

Salary of commissioner.

Filling of vacancies.

The Governor shall likewise in all cases where the office of said Dairy Commissioner shall become vacant, appoint some person to fill the same from said list of names submitted to him by the Examining Board.

Tenure of office of present incumbent not affected.

Nothing in this Section contained shall be construed to affect or in any manner limit the tenure of office of the present State Dairy Commissioner; or to require him to take the examination herewith provided for.

Appointment and salaries of deputies.

The State Dairy Commissioner shall appoint with the approval of the Governor, three deputies at an annual salary of One Thousand Eight Hundred ($1,800.00) Dollars each and shall likewise have the sole appointment of one clerk at an annual salary of One Thousand Two Hundred ($1,200.00) Dollars.

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Expense accounts of Commissioner, and his deputies, how paid.

The said Dairy Commissioner and his deputies shall be entitled to receive their necessary and actual traveling expenses incurred in the discharge of their official duties, to be paid out at the end of each calendar month upon duly itemized and certified bills in like manner as the traveling expenses of other state officials are paid. In computing the amount of said traveling expenses, said Commissioner and deputies shall be allowed the sum of twelve cents per mile for all mileage traveled by auto, whether said auto be hired or be furnished by said Commissioner or deputies.

Mileage, how computed.

$2,000 fixed as limit of traveling expenses.

The necessary traveling expenses of the State Dairy Commissioner shall not exceed Two Thousand ($2,000.00) Dollars and that of each of his deputies shall not exceed Two Thousand ($2,000.00) Dollars each, in any one year.

Office of Commissioner

The said Dairy Commissioner shall be furnished with an office in the State Capitol.

Control of Commissioner over deputies.

Said deputies shall act under the general control and direction of said State Dairy Commissioner, and shall be subject to removal by said dairy Commissioner, subject to the approval of the Governor.

Detail of deputies for duty of inspection, instruction and visitation.

Three of said deputies shall be detailed by said Dairy Commissioner for the inspection and promotion of, and instruction in the manufacture of dairy products, such as butter, cheese, condensed milk and ice cream. These deputies, under the direction of the Commissioner, shall visit all factories and take necessary time to give such advice and practical instruction as to insure the successful operation of said factories or plants throughout the State. This section does not prohibit said deputy in the course of his regular duties from performing any of the duties of the Dairy Commissioner as prescribed in this Act."

Other duties may be required of deputies.

Law amended.

Section 2. That Section 3 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Duties of State Dairy Commissioner and his deputies.

"Section 3.—Duties of State Dairy Commissioner—It shall be the duty of the State Dairy Commissioner or his deputies to inspect or cause to be inspected all creameries, dairies, butter, cheese, condensed milk or ice cream factories, or any place where milk or cream or their products are produced, handled or stored within the State, at least once a year, or oftener, when desired by said Commissioner. He shall co-operate with the State, Local and County Health Officers in their efforts to produce a clean milk supply in the different towns of

Co-operation with local health officers.

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the state. The regular dairy inspection of the State shall be under the jurisdiction of the Dairy Commissioner, but, this shall not be construed as to exclude the State, Local or County Health Departments from making inspections when such health department have reason to believe, or suspect that impure dairy products, liable to cause disease, are being sold to the public. None of the establishments named in this section shall hereafter be required to procure any license from the State Board of Health of the State of Montana, provided however, that all licenses now issued by the State Board of Health shall continue in effect for the period of said license, unless cancelled by the Dairy Commissioner for good cause shown. The said Board of Health shall not be required to inspect said establishments or any of them; provided, however, that in case an epidemic shall at any time prevail in any community, the State Board of Health shall have jurisdiction to inspect any of the establishments named in this section for the purpose of ascertaining whether or not said contagion is caused by milk or any other dairy product, and thereupon the said Board of Health shall have power to make and enforce such sanitary rules and regulations governing said establishments, as it may see fit.

Jurisdiction of local health officers over inspection not ousted.

Licenses from State Board of Health dispensed with.

Existing licenses remain in force, when.

Jurisdiction of State Board of Health over establishments named in section in time of epidemics.

It shall be the duty of the said Dairy Commissioner to act upon all reports or complaints that he may receive from owners and managers of public dairies, creameries, butter, cheese, condensed milk and ice cream factories, or other persons, wherein it is reported to him the names and locations of one or more producers of milk, cream, butter, cheese, condensed milk or ice cream who are offering for sale milk, cream, butter, cheese, condensed milk or ice cream that is not fresh and clean, and in such instances he may inspect barns or farm houses, creameries, factories, or other places where dairy products or utensils are produced, kept, stored, handled or sold, and he may give advice and instruction in the proper performance of the work, and he may prohibit the sale of unclean or unwholesome milk, cream, butter, cheese, condensed milk or ice cream.

Reports and complaints to be acted upon by Commissioner, in what cases.

Duty of Commissioner to inspect and advise in such instances.

It shall be his duty to condemn for food purposes all unclean or unwholesome milk, cream, butter, cheese, condensed milk or ice cream, wherever he may find them. This is to include all dairy products produced or manufactured where proper rules of sanitation are not observed.

Condemnation of dairy products.

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Treatment of condemned products.

That where he condemns unclean or unwholesome dairy products, said products must be so treated as to render impossible the manufacture or renovation of such products for human food.

Regulations for the conduct of dairy institutions and the enforcement of this Act.

The said Dairy Commissioner shall likewise have authority to promulgate and enforce regulations not inconsistant with the provisions of this Act or with the provisions of any other law of the State of Montana for the regulation of dairy farms, retail dairies, cheese factories, milk plants, creameries, ice cream factories, and other dairy institutions. Said Commissioner shall likewise adopt all needful rules and regulations for the efficient and uniform enforcement of this Act throughout the State.

Denunciation of violations of Act.

In all cases where the State Dairy Commissioner or any of his deputies shall find evidence that any of the provisions of this Act or any of the provisions of any other law of the State of Montana relating to dairy products, have been violated, it shall be the duty of such Commissioner or deputy to file complaint in some Justice Court having the jurisdiction of said offense, and it shall be the duty of the County Attorney of such County to prosecute said action.

Statistical information regarding dairy industry.

It shall be the duty of the said Dairy Commissioner to compile and publish statistics concerning all phases of the dairy industry of the State of Montana, and it shall further be his duty to encourage and advertise the dairy industry in said State and to gather information and statistics relative thereto, and to act in conjunction with the Bureau of Publicity of this State for the purpose of giving as much publicity as possible to said statistics and information.

Publicity to be given to information.

License schedule funds authorized for this purpose.

For the purpose of carrying out the provisions of this Section, he shall be authorized to use the moneys received from the License Schedule, hereinafter provided for by this Act.

Co-operation with State Agricultural College.

It shall be the duty of the State Dairy Commissioner to co-operate with and act in conjunction with the Montana State Agriculture College in the carrying out of the duties of his office as herein provided, and that they together hold farm institutes and special dairy meetings for the advertising of the production and manufacture of dairy products.

Farm institutes and dairy meetings.

Inspections may be made at any time.

The said State Dairy Commissioner and his Deputies are hereby authorized, and it shall be his duty to enter at any time all creameries, public dairies, cheese, condensed milk and ice cream factories, or other places where dairy

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products are manufactured, produced, stored or kept for sale or transportation, for the purpose of inspecting the same. To take at any place samples of dairy products and all imitations thereof, suspected of being made or sold in violation of the law, and to analyze or test same; said Commissioner may, if he so desires, require the chemist of the State Pure Food Department to test and analyze said samples.

Samples of suspected products.

Analysis of products.

The State Dairy Commissioner or his Deputies shall have the power to examine under oath or otherwise, any person whom they believe has knowledge concerning the violation of any provision of this Act.

Examinations under oath.

The Said State Dairy Commissioner shall make an annual report to the Governor not later than January first of each year.

Annual report of Dairy Commissioner.

Section 3. That Section 4 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Law amended.

Section 4. "For the enforcement of the sections of this Act "Sanitary" will mean that all creameries, dairies, butter, cheese, condensed milk or ice cream factories, or any place where milk, cream or any of their products are produced, handled or stored within the State shall score as much as sixty-five per cent of the government score card or modifications thereof, suitable to the conditions of Montana. Each inspector or person authorized by the State to make such inspection shall leave the owner or proprietor a duplicate of score card.

Meaning of "sanitary" as applied to dairy institutions.

Score cards.

Owner entitled to duplicate.

All barns, stables or other buildings in which dairy cattle are housed or stabled, shall be of such proportion as to allow three hundred and fifty cubic feet of air space for each and every cow therein. All such buildings must be lime washed throughout at least once every year and have two square feet opening for every animal stabled therein, but the specifications as herein prescribed shall not be deemed to apply to persons who milk but five cows or less.

Cubic air space of buildings used for dairy cattle.

Other requirements in regard to buildings.

No other animals shall be kept in the same barn wherein milk cows are kept unless an air tight partition separate all other animals from said milk cows.

Housing of other animals with milk cows.

All manure accumulating in such buildings to be removed at least once every twenty-four hours, and during the months May to September, inclusive, of each year, must be deposited at a distance not less than fifty feet from such buildings.

Removal of manure.

The State Dairy Commissioner shall keep a record of each inspection with the address of the premises in-

Record of inspections.

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spected, and shall record the number of cows kept and the quality of dairy products handled.

Section added to law.

That there is hereby added to Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana a new Section to be known as Section 3-A, which said section is as follows:

License for conducting establishments.

Duration of license.

"Section 3-A. Licenses:—It shall be unlawful for any person, firm or corporation to conduct any creamery, dairy, butter, cheese, condensed milk or ice cream factory, within the State of Montana, without first receiving a license issued by the State Dairy Commissioner, which license shall expire on the last day of December of the current year of which it is issued; provided, also

Revocation of license.

that said license may be revoked at any time by the State Dairy Commissioner whenever he shall determine that a licensee has failed to comply with the rules and regulations of the Commissioner, or failed to conduct said establishment in a sanitary manner.

Definition of "dairy."

For the purpose of this section, the term "Dairy" shall include every person, firm or corporation in the State of Montana, keeping and milking five or more cows, and selling any milk or cream therefrom. All license

License fees payable to general fund.

fees collected under the terms of this Act shall be paid into the General Fund.

The following schedule of license fees shall be charged for all licenses issued by the State Dairy Commissioner under the terms of this Act;

SCHEDULE OF LICENSE FEES:—

Schedule of license fees

Dairies of ten cows or less retailing milk or cream. .....$1.00 a year.

Dairies of over ten cows and less than twenty retailing milk or cream. .....$2.50 a year.

Dairies of over twenty (20) cows and less than thirty (30), retailing milk or cream, or both milk and cream....$3.50 a year.

Dairies of over thirty (30) cows and less than forty (40), retailing milk or cream, or both milk and cream.....$5.00 a year.

Dairies of over forty (40) cows, retailing milk or cream, or both milk and cream .....$10.00 a year.

Cheese factories and creameries of an annual output of less than one hundred thousand pounds .....$ 5.00 a year

Cheese factories and creameries of an annual output of over one hundred thousand pounds .....$10.00 a year.

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Cheese factories and creameries of an annual output of over five hundred thousand pounds .....$25.00 a year.
Ice cream factories engaged only in the manufacture of ice cream, and having an annual output of less than six thousand gallons, ...$ 5.00 a year.
Ice cream factories with an annual output of more than six thousand and less than fifteen thousand gallons, ...$10.00 a year.
Ice cream factories with an annual output of fifteen thousand gallons or over .....$25.00 a year.

Milk plants and pasturizing plants shall pay an annual license fee of $10.00.

Sworn statement concerning output.

In order to enforce the provisions of this Section, the Dairy Commissioner and his deputies shall have the power to require a sworn statement by the owner or manager of any of the establishments enumerated herein, showing the output of said establishment.

Law amended.

Section 4. That Section V of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:—

Definitions.

"Section 5.—Definitions—Milk is the fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than eight and one-half (8.5) per cent of solids not fat, and not less than three and one-quarter (3.25) per cent milk fat.

Milk.

Adulterated milk.

Adulterated milk is milk containing more than eighty-eight (88) per cent water and less than eleven and three-quarters (11.75) per cent of total solids, eight and one-half (8.5) per cent solids not fat, and three and one-quarter (3.25) per cent fat, except milk for manufacture; milk which has been diluted with water or into which has been introduced any foreign substance whatever. This includes all substances added for the purpose of preserving, coloring and thickening milk or cream, or milk handled in an unsanitary manner.

Cream.

Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, fresh and clean, and contains not less than twenty (20) per cent of milk fat.

Butter.

Butter is the clean accumulated milk fat from unadulterated milk or cream with or without the addition of salt or coloring matter, contains not less than eighty-

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two and one-half (82.5) per cent of butter fat and not more than sixteen (16) per cent water.

Cheese. Cheese is the sound, solid and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments, seasoning and coloring matter and contains, in the water-free substance, not less than fifty (50) per cent of milk fat.

Ice cream. Ice cream is the frozen product made from cream, gelatine and sugar, with or without flavoring. No ice cream shall contain more than one (1) per cent pure gelatine. Plain or vinilla ice cream shall contain not less than ten (10) per cent of milk fat, and nut or fruit ice cream shall contain not less than nine (9) per cent milk fat. All ice cream shall contain not less than thirty-three (33) per cent total solids, and a gallon of ice cream shall weigh not less than four pounds.

Oleomargarine, butterine, imitation butter and cheese. Oleomargarine, butterine, imitation butter or imitation cheese are substances made in imitation of butter or cheese, but not entirely from pure milk or cream in the usual way. They may be construed to mean any article or substance into which any oil, lard or fat produced milk or cream enters as a component part.

Law amended. Section 5. That Section 7 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Milk, cream or ice cream vessels, traffic in prohibited, when. "Section 7.—Milk, Cream or Ice Cream Vessel—No person or persons shall, without the consent of the owner or owners, use, sell, dispose of or traffic in any milk cans, jars, bottles or milk or ice cream receptacles belonging to any dealer or shipper of milk or milk products having the name or initials of the owner on such cans, jars, bottles, or other receptacles. No person shall wilfully mark, change or erase the name or initials stamped or fastened upon sealed milk receptacles or vessels for other purposes, nor place any other substance than milk or its products in them.

Alteration of names and initials upon milk vessels.

Cans for conveying milk to plant. No creamery, cheese factory, ice cream factory, milk plant or other dairy enterprise shall furnish their patrons with cans for the use of such patrons in bringing milk or cream to such creamery, factory or plant.

Cleansing of receptacles before return. Cleaning Vessels Before Return—Whenever any cans, vessels or other receptacles used in the transportation of milk, cream or their products are returned to the producer for a fresh shipment of the product, they must be thoroughly cleaned by washing, rinsing and scalding,

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so as to make their condition sanitary and suitable as a receptacle for fresh milk and cream or their products.

Unsanitary substances must be kept out of receptacles.

No person shall place or suffer to be placed in any such can or receptacle any sweeping, dirt, filth or any animal or vegetable substance tending to produce or promote an unsanitary condition.

Rusty cans.

Milk, cream or ice cream shall not be handled in cans rusted inside.

Law amended.

Section 6. That Section 8 of Chapter 77, of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Use of unsanitary premises forbidden.

"Section 8. Unsanitary Places and Appliances for Milk—No person shall produce or keep milk or any of its products intended for sale, or exchange in any building or place where conditions are unsanitary and unfavorable to the production of wholesome foods.

Location of establishment.

No building or room which is used for the manufacture of butter, cheese or ice cream shall be located sufficiently near to any other shop, plant, or mechanical or industrial establishment of any sort, as to be contaminated thereby.

Law amended.

Section 7. That Section 10 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Registration of dairy establishments.

"Section 10. Reporting Factories—It shall be the duty of every cheese factory, creamery butter and condensed milk factory, or skimming station, in the state, where milk or cream is purchased or contributed by three or more persons, to register the location of such cheese factory, creamery, butter or condensed milk factory or skimming station, and the name of its owner or manager with the Dairy Commissioner on or before the first day of April of each year. Before the organization of any new factory, notice shall be given at once to said Dairy Commissioner. It shall likewise be the duty of each and all of the establishments in this section named to render to the State Dairy Commissioner within three days after the last day of each month, a monthly report of the amount of butter, ice cream or other dairy products handled or manufactured during the month.

Notice of new factories.

Duty to report output of establishments.

Law amended.

Section 8. That Section 11 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Babcock test adopted.

"Section 1. Babcock Test Regulations—The Babcock test is hereby adopted as the official dairy test for use in the State of Montana.

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Babcock test operatives must pass examination.

Every person operating the Babcock test in any creamery or cheese factory or other place where milk or cream is bought and paid for on the basis of its fat contents shall be required to pass such examinations as the State Dairy Commissioner shall prescribe, upon the successful completion of which examination, he shall receive a certificate signed by said Commissioner, stating his competency to operate said test. A fee of $2.00 shall be paid to the Commissioner by the applicant for said certificate. Said money shall be turned in by said Commissioner to the State Treasurer for the use and benefit of the General Fund of the State.

Certificate of competency.

Fee for certificate.

Disposition of fees.

Testing of apparatus used in applying Babcock test.

All test bottles, pipettes and other glassware used in connection with the Babcock test where the fat forms a basis for the payment of the product, shall be handled and calibrated by the State Dairy Commissioner or his deputies as often as the Commissioner may prescribe such testing or calibrating to be done on the premises where such glassware is used. All bottles used for the purpose of making the Babcock test shall be standard bottles and shall be designated as such by the word "standard" stamped thereon and shall bear the name of the manufacturer.

Only standard bottles to be used in test.

Falsification of test.

No owner, manager, agent or employee of a cheese factory, creamery or condensed milk factory shall falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality of milk or cream, or to make any false determination of the said Babcock test or otherwise.

Strength of acids used in test.

All acids used in Babcock tests shall be of the strength indicated by the specific gravity reading 1.82 on the standard hydrometer.

Law amended.

Section 9. That Section 12 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Restrictions upon labeling and sale of imitation butter.

"Section 12."—Imitation Butter—Hereafter the word "butter" shall not be printed or used either alone or in conjunction with any other words upon any carton, package or other receptacle containing any substitute for butter such as margarine, or any other substance not made entirely from milk fat. No person shall manufacture or sell or expose for sale as butter, any substance out of vegetable or animal fats or oils (not from milk or cream) colored in imitation of butter or any shade of yellow.

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Butter substitutes, how marked and labeled.

All products made and sold or exposed for sale as butter substitutes and made either wholly or partly from any fat or oil other than from pure unadulterated milk or cream, shall be plainly marked, stamped or labeled on every package, so made, sold or exposed for sale, in plain black letters, one-half inch vertical dimensions "Oleomargarine." Hotels or restaurants using imitation butter shall place placards, plainly legible from all parts of the dining-room marked "Oleomargarine" or "Renovated Butter" as the case may be, "used here."

Hotels and restaurants must post notices of their use of imitation butter.

Law amended.

Section 10. That Section 14 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

"Renovated butter," requirements as to sale of.

"Section 14."—Renovated and Storage Butter—No person shall sell any butter made by taking original packing stock or other butter, or both, and melting the same and drawing off or extracting the butter fat, and mixing such fat with skimmed milk or cream or other milk product and re-churning or re-working such mixture; or any butter produced by any process commonly known as boiled process, or renovated butter, unless the words "Renovated Butter" shall be plainly branded with bold faced letters, at least one-half inch in length, on top and sides of such receptacle, package or wrapper in which it is kept for sale or sold. And if such butter is exposed for sale uncovered and not in a receptacle, package or wrapper, then a placard containing the words "Renovated Butter" shall be attached printed in style and manner as aforesaid, to the mass of butter in such a manner as to be easily seen and read by purchasers; and in addition to such markings, the seller shall, at the time of sale, stamp the package with the words "Renovated Butter" in letters at least one-half inch in height. Storage butter is hereby designated as butter which has been churned thirty days or longer. Storage butter when offered for sale in the State of Montana shall be marked on the receptacle in which it is sold, and also on the invoice or bill of lading relative to the same "Storage Butter."

Container to be marked, how.

Butter in mass, how marked.

Size of letters.

Storage butter, what is.

How marked for sale.

Law amended.

Section 11. That Section 20 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Standard measure of capacity for milk.

"Section 20."—Weights and Measures.—The standard measure of capacity for milk shall be the gallon containing two hundred thirty-one (231) cubic inches; the half gallon shall contain one-hundred fifteen and five-tenths (115.5) cubic inches, and the quart one-fourth as

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much as the gallon, and the pint one-half as much as the quart.

Standard measure for butter and cheese.

Solid Measures.—The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen (16) ounces (avoirdupois weight) to the pound when wrapped or put in container exclusive of the wrapper or container. Where weight and measures are stated in pounds and ounces, they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen (16) ounces, each ounce containing four hundred and thirty-seven and one-half (437.5) grains. Any person, persons, firm or corporation selling or offering for sale any article of dairy products as a pound, or any multiple thereof, the net weight of which is less than sixteen (16) ounces, or the proper multiple thereof to represent the number of pounds sold or offered for sale, shall be guilty of a misdemeanor; provided, a reasonable variance be permitted, and that tolerances shall be established by rules and regulations made by the State Dairy Commissioner in accordance with the provisions of this Act.

Weight and measure are exclusive of wrapper or container, when.

Contents of pounds and ounces.

Selling underweight a misdemeanor.

Reasonable variances.

Marking of packages containing butter for sale.

That butter sold in the State of Montana whether manufactured on a farm or in a creamery must have the maker's name clearly written or printed on the package in which it is sold, and upon each pound package of butter so sold or offered for sale, the words "net weight sixteen ounces" shall appear.

Dairy products shipped into state must conform to Montana requirements.

Section 12. All milk, butter, cheese, condensed milk, ice cream, or any dairy products shipped into Montana, for sale or use must be produced under the same sanitary regulations and requirements as are required for the production of such products in the State of Montana. The State Dairy Commission shall have authority to require a sworn statement relative to the sanitary production of milk and other dairy products shipped into Montana, but produced outside of the State of Montana, and if such products are not produced under smilar sanitary regulations and statutes as required for the production of such products within the State of Montana they shall not be sold, given away, traded or used in the State of Montana.

Sworn statement may be required as to outside products.

Traffic in outside products unlawful, when.

Appropriations in aid of Act for the years 1920 and 1921.

Section 13. There is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the fiscal year ending February 28th, 1920 for the maintenance of the office of the State Dairy Commission, the following amounts.

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Salary of Commissioner, Twenty-four Hundred Dollars $2400.00
Salary of three deputies, Fifty-four Hundred Dollars 5400.00
Office and traveling expense, Seventy-two hundred Dollars 7200.00

Section 14. There is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the fiscal year ending February 28th, 1921 for the maintenance of the office of the State Dairy Commission, the following amounts.

Salary of Commissioner, Twenty-Four Hundred Dollars $2400.00
Salary of three deputies, Fifty-four Hundred Dollars 5400.00
Office and traveling expense, Seventy-two Hundred Dollars 7200.00

Section 15. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 16. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 11, 1919.

CHAPTER 200.

An Act Entitled: "An Act to Amend Section 84 of Chapter 173 of the Session Laws of 1917 Relating to Fish and Game Laws."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84 of the Session laws of the State of Montana for the year 1917, approved March 15th, 1917, relating to the private propagation of game and fish, be and the same is hereby amended and reenacted so as to read as follows:

"Section 84. It shall hereafter be lawful for any person, company or association to engage in the business or occupation of propagating, owning and controlling, wild game birds, and game animals of the State of Montana, upon premises wholly owned, leased or controlled by such person, persons, company or association in said State of Montana, under such regulations as may be prescribed by the Fish and Game Commission, under Wild game birds and animals may be propagated under what regulations.

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Annual license fee and application.

Permit for capturing birds and game quadrupeds for purpose of propagation.

Shall not sell for three years any game quadruped from such farm.

Annual report.

Can sell the produced game, when and how.

the supervision of said State Game and Fish Warden; upon payment of an annual license fee of five dollars any applicant shall file with the Commission a statement of the place where he will conduct such business, and game proposed to be raised on said premises; and may for this purpose obtain a permit from the Game and Fish Commission to capture alive such game birds, or game quadrupeds as may be necessary for foundation stock for such game farm, such permit however shall limit the number of game birds or game quadrupeds that may be so captured; said game breeder shall not sell any quadruped of the product of such game farm for a period of three years, from the game taken by virtue of said permit, and shall make an annual report of his said game business to the Game and Fish Commission. After such game farm is in successful operation, said game breeder may sell, transfer or dispose of the game so bred and raised by him, as he might do with domestic live stock and without restriction so to do."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in effect from and after its passage and approval.

Approved March 11, 1919.

CHAPTER 201.

"An Act Providing for Co-Operation With the United States in the Settlement of Returned Soldiers, Sailors, Marines and Others Upon State Lands and Lands Acquired Under This Act: Creating a Soldier Settlement Board, Defining Its Powers and Duties and Making an Appropriation Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Object of Act.

Act to be known as "The Montana Soldier Settlement Act."

Section 1. The object of this Act is, in recognition of military service, to provide useful employment and rural homes for soldiers, sailors, marines, and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the Central Powers and have been repatriated, and who have been honorably discharged; and to accomplish such purpose by co-operation with the

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agencies of the United States engaged in work of a similar character. This Act may be cited as "The Montana Soldier Settlement Act."

Soldier Settlement Board created.

Section 2. For co-operation with the agencies of the United States there is hereby created a Soldier Settlement Board, hereafter referred to as the Board, composed of three members, the Attorney General and State Engineer of the State of Montana, who shall serve without pay, and one person to be appointed by the State Board of Land Commissioners, the last named to be Chairman of the Board and who shall receive a salary not exceeding forty five hundred dollars ($4500.00) per annum. Said Board to be designated as Soldier Settlement Commissioners. All Commissioners shall receive all necessary traveling expenses while engaged in such work. The Commissioners shall hold office for a term of two (2) years from the time of their appointment. In case of the death or resignation of the Chairman of said Board, such vacancy shall be filled by appointment by the State Board of Land Commissioners. The Attorney General shall be the legal advisor of the Board and prosecute or defend any suit or actions arising out of the discharge of their official duties. The Board shall appoint, with the power of dismissal, such employees as it deems necessary, shall fix their salaries and provide for all necessary expenses for carrying out the provisions of this Act. Two (2) members shall constitute a quorum which may exercise all the power and authority conferred upon the Board."

Composition of board and salary of chairman.

Designation of board.

Traveling expenses of members.

Term of office.

Vacancies in office of chairman, how filled.

Duties of Attorney General.

Appointment of employees, etc.

Quorum.

Plans for settlement of soldiers.

Section 4. The Board shall satisfy itself of the practicability of each undertaking, utilizing all State agencies, and thereupon shall co-operate with the authorities of the United States in the preparation of plans for settlement of soldiers. Projects may be undertaken in co-operating with the United States involving reclamation of the lands within the state by drainage, irrigation, and removal of trees and stumps, the building of levees, necessary roads, land leveling, fertilization, sanitation or involving such other means as may be found practicable and desirable to make the lands suitable for agricultural purposes and rural homes. The Board is authorized to utilize public lands of the State and to acquire lands which may be deemed suitable for agricultural settlement, together with necessary water rights, rights of way, and other appurtenances. When deemed advisable in the discretion of the Board and the co-operating agencies of the United States any of said lands may be leased

Nature of projects which may be undertaken.

Lands for agricultural settlement, acquisition and utilization of.

Leasing of lands.

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until it may be deemed advisable to sell or use the same. The Board may also set aside and dedicate to public use appropriate tracts for roads, school houses, churches or other public purposes. Any lands belonging to the State and deemed by the Board suitable for the purposes of this Act shall be available for disposition by the Board and the State Land Board shall co-operate with the Boards in every way necessary to carry out the purposes of this Act in regard to such lands. The Board is hereby authorized to perform all acts necessary to co-operate fully with the agencies of the United States engaged in work of similar character, and to obtain for the State of Montana the full benefit of the said proposed act of Congress.

Use of lands for roads, school houses, churches, etc.

State lands may be utilized to carry out Act.

Co-operation with United States agencies.

Notice of intention to acquire land.

Section 5. Whenever the Board, in accordance with plans agreed upon with the authorities of the United States, desires to acquire land, it shall give notice by publication in one or more newspapers of general circulation in the State calling for offers from owners of land of the character desired. Such notice shall be published once a week for five consecutive weeks, the last date of publication being not more than one week prior to the date of opening offers, and shall specify the matter which should be incorporated in such offers. After thorough investigation and report as to the character of the lands, rights and appurtenances, upon an examination by one or more members of the Board, together with a representative of the co-operating agency of the United States, and such experts as may be deemed advisable, and after approval by the Attorney General of the State of the title to lands and water rights or other rights appurtenant thereto deemed essential by the Board, and after approval of the purchase by the authorities of the United States and arrangements made by the United States so that the Federal Government may undertake the reclamation of the lands if necessary and for improvement and subdivision of the lands, the Board may recommend the acquirement of the land to the State Board of Land Commissioners, and on the approval by the State Board of Land Commissioners, the lands deemed necessary for carrying out the plans agreed to with the United States, shall be acquired by purchase, gift, or condemnation. Payment if necessary shall be made out of funds provided by the State or by settlers under conditions fixed by agreement between the board and the owners of said lands. The Board shall have the discretion to reject any or all offers, to accept

Period of publication.

Report upon advisability of purchase.

Approval of title.

Approval of purchase.

Recommendation of board.

Acquisition of lands, how effected.

Mode of payment.

Rejection of offers.

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offers which may not be the lowest and to re-advertise from time to time as it may deem necessary.

Nature of title taken.

Section 6. In co-operating with the agencies of the United States the Board is empowered to take title in the name of the State to lands in fee simple or in trust or under such other conditions as may be deemed advisable for the purposes of this Act, and may convey title thereto or execute such liens as may be necessary for carrying out the plans decided upon in co-operation with the agencies of the United States. The title to the land furnished by the State shall be held by all purchasers under such conditions and restrictions as may be specified in the Federal statutes relating to this subject, or approved by the Secretary of the Interior.

Conveyance of title and execution of liens.

Title of state subject to Federal restrictions.

Basis of co-operation between State and Federal governments.

Section 7. The basis of co-operation between the State of Montana and the United States shall be that the State shall provide the land needed for settlement and the United States shall provide the money necessary to meet the expenses of reclamation and subdivision and the necessary improvements and equipment, perform the necessary work and have charge of all settlement work. The Board shall make appropriate arrangements with the agencies of the United States for repayment to the State of the cost of land furnished by the Board which may be utilized in providing homes for the Soldiers and all moneys so received or otherwise received by the Board shall be turned into the Soldier Settlement Fund and be available for meeting the obligations of the Board on account of the land and for further expenditures in accordance with the provisions of this act. The moneys so payable to the State shall be collected by Federal agencies, and the Board may contract with the United States to the end that where disbursements have been made by way of construction costs for the reclamation and improvement of any given land, repayments to the United States on account thereof shall be divided between the Federal Government and the State Soldier Settlement Fund in proportion to the disbursements made by the Federal agencies and the Board, respectively.

Reimbursement of state for cost of land.

Moneys shall be paid into Soldier Settlement Fund.

Apportionment of costs incurred.

Agricultural training of soldiers.

Section 8. The Board may provide all necessary means for furnishing agricultural training for the soldier so as to render him better qualified for the cultivation of the land. The Board is authorized to arrange with the agencies of the Federal Government for sharing in the expense of such work under appropriate conditions of supervision by the Federal Government.

Division of expense.

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Organization of irrigation, drainage, conservancy, improvement districts, etc.

Section 9. In any case where works have been or are to be constructed which are of general benefit to an area involving a number of farms or allotments as in the case of irrigation, drainage, clearing cut-over land or other means of reclamation or development, and where the co-operating federal agencies find that the interest of the project would be advanced by the organization of an Irrigation, Drainage, Conservancy, Improvement District or other public corporation, the Board shall take all necessary steps in its power to accomplish such organization. The Board is authorized to contract with such district or the United States or both to carry out any or all provisions of this Act.

Contracts with such districts to carry out Act.

Condemnation proceedings may be initiated, when.

Section 10. The power of eminent domain shall be exercised by the State for the uses and in the manner provided in Title VII, Part III, Revised Codes 1907, and amendments thereto at the request of the Board for the condemnation of property of any kind which may be necessary for carrying out the purposes of this Act, and upon request of the Board the Attorney General shall promptly initiate and carry on the appropriate proceedings. The Board shall have full authority to appropriate water under the laws of the State as may be necessary or desirable for carrying out the purposes of the Act.

Power of board to appropriate water.

Disposition of lands for benefit of other citizens.

Section 11. Whenever the Secretary of the Interior and the Board shall find that all or any part of such lands remaining available will not be required for homes for soldiers they may be opened to disposition to other citizens of the United States subject to the provisions and limitations of this Act.

Co-operation of board in interstate projects or undertakings.

Section 12. In case of any undertaking for the reclamation of lands in two or more states or any undertaking involving construction works in any State for the drainage, irrigation or reclamation of lands in whole or in part in another state, the Board is authorized and directed to co-operate with similar boards of the other states and the authorized agents and officers of the United States, and either the United States or the said Board of such other state shall have authority to acquire by condemnation, purchase, or other lawful means such property, rights or easements in this state as may be needed for such interstate undertaking, upon the same terms and in like manner as if such undertaking were wholly in this state.

Right of condemnation in such cases.

Appropriation to carry out purposes of Act.

Section 13. For the purpose of carrying out the provisions of this Act the sum of Fifty Thousand Dollars

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($50,000.00) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to carry out the purposes of this Act. The State Auditor is hereby authorized and directed to draw warrants upon such appropriations from time to time upon the requisition of the Board and the State Treasurer is hereby authorized and directed to pay such warrants.

Drawing and paying warrants.

Section 14. The Board shall report annually to the governor giving a full statement of its operation, shall also make investigations regarding the subjects with which it is authorized to deal, and make recommendations for legislation. The Board shall furnish copy of its report to the Secretary of the Interior.

Annual report of board.

Section 15. The Board is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

Rules and regulations.

Section 16. The appropriation herein made for carrying out the purposes of this Act shall not be available until and unless the Congress of the United States enacts and the President of the United States approves an act providing for the co-operation of the United States in the settlement of soldiers in the state of Montana as provided in this Act; any and all salaries or expenses shall begin to run from and after the date of such act and approval.

When appropriatio becomes available.

Section 17. If any part of this Act shall for any reason be adjudged by any court of competent purisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the particular part thereof directly involved in the controversy wherein such judgment shall have been rendered.

Effect of declaring portion of Act invalid.

Section 18. All Acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 19. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1919.

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CHAPTER 202.

"An Act to Amend Sections One (1), Two (2), Five (5), Six (6), Ten (10) and Eighteen (18) of Chapter 122, Session Laws of the Twelfth Legislative Assembly of the State of Montana, and to Amend Section Fourteen (14) of said Chapter 122, as Amended by Chapter 52 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, Relating to Juvenile Delinquents and to Court Procedure."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section One of Chapter 122 of the Session Laws of the 12th Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

"Delinquent child" and "juvenile delinquent person" defined.

"Section 1. For the purpose of this Act, the words "delinquent child" and the words, "Juvenile delinquent person" shall respectively mean and include any child under eighteen (18) years of age, who violates any law of this State or any city ordinance of any city or town; or who is incorrigible; or who knowingly associates with a thief or with a vicious or immoral person; or who knowingly visits or lives in a house of prostitution, or in a house of ill fame; or who, is growing up in idleness or crime; or who knowingly patronizes or visits any place, house, apartment or building where any gambling device is, or devices are, or shall be run or operated or used, or are kept for such purposes, or where any gambling is done or conducted; or who patronizes or habitually visits any saloon or saloons, dram shop, or dram shops, or who purchases at any saloon or dram shop any wines, beverages or intoxicating liquors for itself; or who patronizes or visits any pool room which is run in connection with a saloon or place where any kind of drink is sold; or who patronizes or visits any room where pools are sold at any time; or visits or patronizes any bucket shop or shops; or wanders about the streets of any town or city in the night time, without being on any lawful business or occupation; or who habitually wanders about or visits any railroad yard or tracks, or hooks or jumps on to any moving train or trains; or who enters any car or cars, engine or engines without any lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any school

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house or school grounds; or who shall become addicted to the use of spirituous or intoxicating liquors as a beverage, and not for medicinal purposes prescribed by a physician; or who shall have become addicted to the use of drugs other than prescribed by a physician, or who shall become addicted to the use of cigarettes."

Law amended.

Section 2. That Section Two of Chapter 122, Session Laws of the 12th Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Child who shall be deemed a delinquent child or a delinquent juvenile person and proceeded against.

"Section 2. Any child under eighteen (18) years of age who shall commit any of the acts or do any of the things mentioned in the above section shall be deemed a delinquent child, or a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A deposition of any child under this act, or any evidence given in such case, shall not in any civil or criminal or other cause or procedure whatever in any court, be lawful or proper evidence against such child for any purpose whatever, except in any subsequent case against the same child prosecuted under this act. The word "child," or "children" may mean one or more children, and the word "parent" or "parents" may mean one or more parents, when consistent with the intent of this act.

Evidence which cannot be used in any other proceeding.

Words "child" or "children" and the words "parent" or "parents" may mean what.

Law amended.

Section 3. That Section Five of Chapter 122 of the Session Laws of the 12th Legislative Assembly be and the same is hereby amended to read as follows:

Who may file petition for care of delinquent.

"Section 5. Any reputable person being a resident of the county may file with the clerk of the court having jurisdiction of the matter, a petition in writing, setting forth that a certain child, naming it, within his county, not now or hereafter an inmate of a State institution incorporated under the laws of this state, is a delinquent person, as defined in Section 1 hereof; and that it is for the best interest of the child and this State that the child be taken from its parent, or parents, custodian or guardian, and placed under the charge of some suitable person to be appointed by the Court or committed to some institution or society that has for its object the care of delinquent children; and that the parent or parents, custodian or guardian of said child are unfit or improper guardians, or are unwilling or unable to care for, protect, train, educate, control or discipline such child or that the parent, parents, guardian or custodian consent that such child be taken from them. The petition shall set forth either the name or that the name is

What petition shall allege.

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unknown to the petitioner (a) of the person having the custody of such child; and (b) of each of the parents, or the surviving parent of a legitimate child, or of the mother of an illegitimate child, or (c) if it allege that both of said parents, or such mother is dead, then of the guardian, if any, of such child; (d) if it alleges that both parents are, or that such mother is dead, and that no such guardian of such child is known to petitioner, then of a near relative, or that none such is known to the petitioner. The petition shall also state the residence of such parties, as far as the same are known to such petitioner. All persons named in such petition shall be notified of such proceedings. Upon the filing of any petition under this Act, a citation shall be issued by the Clerk of the Court, ordering and directing all persons named in such petition and the person alleged to have the custody of such child to appear with the child at the time and place stated in the citation and show cause before said court; and shall also require all defendants to be and appear and answer the petition on the return day of the citation. This citation shall be made returnable at any time within twenty days after the date thereof and may be served by any peace officer or by any duly appointed probation officer, even though such officer be the petitioner. The return of such citation with endorsement of service in accordance herewith shall be sufficient proof thereof, but no incarceration of the child proceeded against thereunder shall be made or had, unless, in the opinion of the judge of the district court, or, in the absence of the judge from the county seat, then in the opinion of the justice of the peace or committing and examining magistrate, it shall be necessary to insure its attendance in court at such time as shall be required. In order to avoid such incarceration, if practical, it shall be the duty of the judge having jurisdiction to serve a notice of the proceedings upon the parent, of the child, if living and known, or its legal guardian, or, if his or her whereabouts or residence is not known, or if neither parent nor guardian shall be in this state, then some relative living in the county, if any there be whose where abouts is known, and such judge having jurisdiction shall accept the written or verbal promise of such person so notified, except in felony cases, or of any other person, to be responsible for the presence of such child at the hearing of such case, or at any other time to which the case may be continued or adjourned by the court. In case such child shall fail to appear at such time or times

Notice to persons named in petition.

Citation to appear.

Citation returnable, when.

Child not to be incarcerated, excepting when.

Notice to parent or other custodian of child and acceptance of promise to produce child at hearing.

Contempt by custodian.

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as the court may require, the person or persons responsible for its appearance as herein provided for, unless, in the opinion of the court there shall be a reasonable cause for such failure of such child to appear as herein provided for may be proceeded against as in cases for contempt of court, and punished accordingly; and where any such child shall have failed to appear, as required by the court or its officers, any warrant, capias or alias, issued in such case, may be executed as in other cases; Provided, however, that no child within the provisions of this Act under eighteen (18) years of age shall, under any circumstances, be incarcerated in any common jail or lock-up unless otherwise ordered by the court or judge, and any officer or person violating this provision of this Act shall be guilty of a misdemeanor, and, on conviction, fined in a sum not to exceed one hundred ($100.00) dollars."

Warrant for child failing to appear.

Child under eighteen not to be incarcerated in a common jail, excepting when.

Penalty for violation of Act.

Law amended.

Section 4. That Section 6 of Chapter 122 of the Session Laws of the 12th Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

"Section 6. When any child under eighteen (18) years of age, is taken into custody, such child shall be taken directly before the district court, or, if the district court is not then in session in said county, it may be taken before a justice of the peace or police magistrate, who shall at once notify the chief probation officer of the county, who shall make investigation of such case as in other cases where complaint has been made or petition duly filed and after investigation, as herein provided, by the said chief probation officer, then the justice of the peace or police magistrate shall act as a committing and examining magistrate only, and it shall be his duty to proceed with the hearing thereof, after granting to the child or such person as may be representing it, reasonable opportunity to obtain counsel, if counsel be desired by the accused, and as soon as the defendant can procure its witnesses. In case the examining magistrate hold the child for trial in the district court, it shall be the duty of the magistrate to transfer the case to said district court, and the probation officer having the child in charge to take the child before the court, and the district court may proceed to hear and dispose of the case in the same manner as if said child had been brought before the court upon petition originally filed as hereinbefore provided; or, when necessary,

Investigation when child under eighteen is taken into custody.

Justice of the peace shall act as committing magistrate, when.

Counsel for child.

When case to be transferred to the district court.

When child to be held on charge of a felony.

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when the delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until investigation, and an information may be filed as in other cases of felony or misdemeanor under the laws of the state; Provided, that nothing herein shall be construed to confer jurisdiction upon any justice of the peace or police court to try any case against any child under eighteen (18) years of age. In any case the Court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose."

Inferior court has no jurisdiction to try child under eighteen years of age.

Law amended.

Section 5. That Section 10 of Chapter 122 of the Session Laws of the 12th Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Law and proceedings applicable.

"Section 10. The provisions of the Penal Code of this state relating to appeals, motions for new trials, allowance and signing bills of exceptions shall apply to this act, and from the judgment of the court or judge under this act, appeals may be prosecuted as in other criminal cases."

Law amended.

Section 6. That Section 14 of Chapter 122 of the Twelfth Legislative Assembly of the State of Montana, as amended by Chapter 52 of the Fourteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Chief probation officer may be appointed by whom.

"Section 14. In every judicial district of the State of Montana, the judge or judges thereof may appoint one discreet person of good moral character, who shall be known as the Chief Probation Officer of such district, and

Term of office.

who shall hold his office during the pleasure of the court, and who shall receive for his or her services such

Compensation.

sum as shall be specified by the court upon appointment, not exceeding the sum of twenty-four hundred ($2400.00) dollars per annum, to be paid, however, upon a per diem basis for the time actually and necessarily

Monthly reimbursement of expenses incurred.

employed in performing the duties of the office. Said probation officer shall also be reimbursed for the actual and reasonable traveling and other expenses incurred by him in pursuance of his official duties. Such reimbursement shall be made once each month by the county or several counties constituting the judicial district for which such probation officer shall have been appointed.

Monthly verified statement of expenses and salary to be filed, when.

Each probation officer shall not later than the tenth (10th) day of every calendar month, and before the allowance and payment thereof, file or cause to be filed with

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the proper board of county commissioners of the county chargeable therewith, an itemized sworn statement and account of such expenses, including his claim for salary for the preceding month, with the approval of the district judge or judges endorsed thereon. Each county of this state shall reimburse such probation officer only in respect to such expenses as have been incurred in connection with juvenile persons residing in that county. When a judicial district consists of one county, the salary of the probation officer is to be paid by that county, and when a judicial district is composed of more than one county, the salary of such officer shall be apportioned among and paid by each of said counties in proportion to the assessed valuation of such counties for the year then current.

What expenses are to be reimbursed.

Salary to be paid by whom.

That in every judicial district of the State of Montana the judge or judges thereof having jurisdiction, if in their opinion the circumstances require, may appoint other persons, but not to exceed two (2), to serve as probation officers, who shall receive not to exceed one hundred twenty-five ($125.00) dollars per month, and to serve at the will of the court, and be paid by the county treasurer, as above set forth, and provided that said judge or judges of the District Court may appoint as probation officers such other discreet persons of good moral character as are willing to serve without compensation. It shall be the duty of the clerk of the District Court, immediately upon the appointment of a probation officer, to notify the courts and magistrates of any county in which the said officer is appointed, giving them the names and post office addresses of such officers. The duties of said probation officer or officers shall be such as hereinafter prescribed.

Additional probation officers may be appointed by court, when.

Compensation and term of service.

Officers without compensation.

Notice by clerk of district court.

Whenever a complaint is made or pending against a boy or girl under eighteen (18) years of age for the commission of any offense not punishable by law with life imprisonment, or for which the penalty is death, before any court or magistrate, it shall be the duty of such court or magistrate at once and before any other proceedings are had in the cause, to give notice in writing of the pendency of said cause to the probation officer of his county. Said probation officer shall immediately, or as soon thereafter as possible, proceed to inquire into and make a full examination and investigation of the facts and circumstances surrounding the commission of the alleged offense, the parentage and surroundings of said child, its exact age, habits and

Notice to probation officer by court when charge is less than death or life imprisonment.

Duty of probational officer to investigate.

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school record, and everything that will throw light on its life and character, and may also inquire into the home condition, habits and character of the parents or guardians, and shall make a full report thereon in writing to the judge of the district court having charge of such cases, before said cause is tried. If, upon consultation with the probation officer and the examination of such report, it shall appear to the judge of said court that the child is not guilty of the offense charged against it, or that the interest of the child shall be best subserved thereby, the court shall order that such child be not brought into court, and said cause shall be dismissed. Said chief probation officer shall attend all hearings under this Act and represent the interests of the child and shall take charge of any child before or after trial, as the judge may direct; Probations officers shall serve warrants and other process of the court, within or without the county, and in that respect they are hereby clothed with the powers and authority of sheriffs; they can make arrests without warrant upon view of the violation of any of the provisions of this Act and detain the person so arrested pending the issuance of a warrant; and perform such other duties incident to their offices as the judge may direct; and all sheriffs, deputy sheriffs, constables, marshals and police officers are required to render assistance to probation officers in the performance of their duties when requested to do so.

Report to judge.

When investigation does not justify charges.

Discretion of court.

Probation officer shall attend all hearings and represent interests of child.

Other powers and duties of probation officers.

Disposition of child when found guilty in the discretion of the court.

If upon the trial of any child the court shall find that such child is guilty of the offense charged, he may withhold judgment for a definite or indefinite period if it appear that the public and the interest of the child will be best subserved thereby, and may order that such child be returned to the care of his or her parents, guardian or friends; or he may commit such child to the care of a volunteer probation officer who shall exercise supervision over it until such time as it is discharged by the court from supervision upon the recommendation of such voluntary probation officer, and if the parents, parent, guardian or custodian consent thereto, or if the court shall further find either that the parent, parents, guardian or custodian are unfit or improper guardians, or are unable or unwilling to care for, protect, educate or discipline such child, and shall further find that it is for the best interest of such child and for the people of this state that such child be taken from the custody of its parents, custodians or guardian, the court may order such child to be placed in the family of some suit-

When parents or custodians not fit persons.

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able person where such family home shall be recommended by the probation officer of the court after consultation with those representing the interests of the child, there to remain until he or she shall have attained the age of twenty-one years or for any less time, or the court may order such child to be placed in the home where the county's dependent children are kept; or, if it appears to be for the best interest of the child, and such child appears to be in need of institutional training, the court may order him or her to be committed to some state institution, or some institution of learning managed by a corporation or individual, and devoted to the care of such children, for a definite or indefinite period; said institution to be situated in the State of Montana, and to be inspected at least once a year and approved by the Bureau of Child and Animal Protection, and to receive for its services a per diem of thirty-five cents for each day that such child shall be in the custody, such per diem to be paid by the county sending the child, upon itemized vouchers duly certified to by the court; or the court may impose a fine with costs, or the court may for good cause shown suspend judgment in any case for a definite or indefinite period; or, if the offense be a malicious trespass, the court may require the damage to be made good, or if the offense be petty larceny and the stolen property is not recovered, the court may require it to be paid by the delinquent child himself if it be shown that he or she is capable of earning the money or has money of his or her own, or its parents or guardian, at the discretion of the court; and in all the foregoing cases, where the parents or guardian are unfit to have the custody of said child, or unable to control said child, the court may deem the child to be the ward of the court, as far as its person is concerned; and in all cases where any child has been decreed to be the ward of the court, the authority of the court over its person shall continue until the court shall otherwise decree, and the court may adopt all rules and regulations that may be needed to carry out the provisions of this Act. In every case in which the court shall commit any child to the care and custody of any other institution as above provided, other than a state institution and such child shall have a parent or guardian within the county, the court may make and enter an order requiring such parent or guardian to appear before said court upon a day and hour to be named by the court therein, and show cause, if any she or he have, why she or he should not pay for

Qualifications of institution.

Compensation, paid how and by whom.

Court may impose fine.

May suspend judgment.

Judgments which court may impose.

Child to be deemed ward of court, when.

Rules and regulations.

Parent may be required to show cause why he should not contribute towards cost of keeping child.

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the support of such child, in whole or in part, while it is an inmate of such institution. A certified copy of said order shall be served upon such parent or guardian by the chief probation officer of the county not less than ten days prior to the day fixed therein for such appearance. Upon due service and return of said order, the court shall, upon the day fixed or upon such subsequent day as may be fixed by the court, hear evidence as to the financial ability of such parent or guardian, and in case the court shall find that such parent or guardian should pay for or contribute to the support and maintenance of such child, the court shall render judgment against such parent or guardian that that parent or guardian shall pay to the chief probation officer such sums as the court shall adjudge and at such times and in such amounts as shall be by the court found just. And such judgment shall be enforced as other judgments are enforced, and all moneys collected on such judgments shall be held by the chief probation officer and shall be remitted quarterly by him to the institution keeping such child or children and the amount so remitted shall be deducted from the quarterly bill of such institution.

Copy of order to be served.

Hearing.

Judgment.

Enforcement of judgment.

Provided, that the chief probation officer shall make a verified report to the court at the close of each quarter of the amount of money so collected on such judgments, which report the judge shall be caused to be filed with the county commissioners with the bill rendered by the institution keeping such child. If any child is wayward and unmanageable, the court may commit him or her to the Industrial School, or to any other state penal or reformatory institution authorized by law to receive such boy or girl subject to such conditions as are already provided by law for the reception of such children in said schools or institutions. And in cases where a child shall be committed to a state or other institution as above provided, the report of the probation officer shall be attached to the commitment and the child shall be placed in charge of the probation officer, or some person designated by the court to be conveyed under his direction to the designated institution; Provided that a woman shall always be sent with the girls so committed, and the person taking such child to the designated institution shall be allowed and paid his or her actual expenses and no more, where he or she is a paid officer of such court, appointed by the court, and in all other cases the person taking such child to any institution shall be allowed and

Quarterly report of probation officer.

When child may be committed to penal or reformatory state institution.

Commitment and report.

Conveyance of child to institution.

When woman shall be sent with girl committed.

Expenses.

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paid for his or her services, the same fees and expenses as are paid to sheriffs in like cases.

When child's health is impaired.

And provided, that the court may when the health or condition of the child require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge or for the per diem of thirty-five cents a day.

Child not to be confined with adult convicts.

Provided, that when a child contemplated by this Act shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in any room, yard or enclosure with such adult convicts or to allow them in any manner to come in contact with them or in any way comingle with such adult convicts, or to bring such child into any yard or room in which adult convicts may be present; and

Immediate hearing to be held, when.

Provided, that if any such boy or girl against whom a petition is filed is unable to give bond, and the court does not release him or her on his or her own recognizance, then such boy or girl shall be entitled to an immediate hearing and trial, according to law.

Rules and laws of institution.

Providing that the commitment of any child to an institution or association or society shall be subject to the rules and laws that may be in force from time to time governing such institution, association or society.

When child may be permitted to remain at home under parole, etc.

Provided that when it shall be made to appear to the court that the home of the child or of its parents, former guardian or custodian, is a suitable place for such child, and that such child could be permitted to remain or ordered to be returned to said home, consistent with the public good and the good of such child, the court may enter an order to that effect, returning such child to his home under probation parole or otherwise; it being the intention of this Act that no child should be taken away or kept out of his home or away from his parents or guardian any longer than is reasonably necessary to preserve the welfare of the child and the interest of all this State; Provided, however, that no such order shall be entered without giving ten days' notice to the person, institution or association to whose care such child has been committed, unless such guardian, institution or association to whose care such child has been committed, consents to such order.

Notice to institution or other custodian.

Report by institution or custodian may be required at any time.

And Provided, the court may from time to time cite into court the person, institution, association or society, to whose care any delinquent child has been awarded, and

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require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such person, institution or association, within ten days after such citation, to make such report, either in writing, verified by affidavit, or verbally under oath, in open court or otherwise, as the court shall direct; and upon the hearing of such report with or without further evidence, the court may, if it sees fit, take such child from said person, institution, association or society, and place it with another, or restore such child to the custody of its parents or former guardian or custodian."

Court may take child and restore it to parents, etc., when.

Law amended.

Section 7. That Section 18 of Chapter 122 of the Session Laws of the 12th Legislative Assembly of the State of Montana be and the same are hereby amended to read as follows:

Parent or guardian encouraging or contributing to child's delinquency.

"Section 18. Any parent or parents, legal guardian or other person who shall encourage, wilfully cause or contribute to, or through negligence in the care, custody, guidance, education, maintenance or direction of any child under eighteen years of age, cause or permit such child to violate any law of this State, or the ordinance or ordinances of any city of this State, or to be or become incorrigible, or to knowingly associate with thieves, vicious or immoral persons; or to grow up in idleness or crime, or to knowingly enter a house of prostitution; or to knowingly visit or patronize any place, house or apartment building where any gambling device is or gambling devices are, or shall be operated or run, or where any gambling is done or conducted or to patronize or visit any saloon or saloons, or dram shop or dram shops, where intoxicating liquors are sold, or to patronize or visit any public pool room or pool rooms, or bucket shop, or to wander about the streets of any town or city in the night time, without being on lawful business or occupation, or to habitually wander about or visit any railroad yards or tracks, or to jump or hook on to any moving train or to enter any car or engines, without lawful authority; to habitually use any vile obscene, vulgar, profane, or indecent language, or to be guilty of immoral conduct in any public place, or about any school house or grounds, or keep or permit it in or about any saloon or place where spirituous liquors, or intoxicating liquors are sold or handled or in any gambling house or place where gambling is practiced, or in a house of ill fame or prostitution; or to become addicted to the use of spirituous and intoxicating liquors not for medicinal purposes prescribed by a physician, shall be guilty of a misdemeanor, and

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upon trial and conviction thereof shall be fined in a sum not less than Ten Dollars ($10.00) and not to exceed One Thousand Dollars ($1000.00) or imprisonment in the county jail for a period not exceeding nine months, or by both such fine and imprisonment."

Penalty.

Section 6. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 7. This shall be in force and effect from and after its passage and approval.

Approved March 11, 1919.

CHAPTER 203.

"An Act to Prevent the Manufacture or Sale of Adulterated or Misbranded Gasoline, Kerosene, Illuminating and Lubricating Oils and Greases, Road Oils and Fuel Oils for Boilers and Internal Combustion Engines; To Regulate Traffic Therein and Providing for Their Inspection, Analysis and for Standard Grades; Designating the State Sealer of Weights and Measures Ex-Officio Oil Inspector, Subject to the Supervision and Control of the State Board of Examiners, Designating the Head of the Department of Chemistry of the State College of Agriculture and Mechanic Arts as State Chemist and Defining the Powers and Duties of Such Officers; Creating a State Gasoline Inspection Fund; Providing Penalties for the Violation of This Act, Repealing Sections 2112, 2113, 2114, 2115, 2116, 2117, and 2118 of the Revised Codes of Montana of 1907, being Chapter 22 of Title 7, of Part 3 of the Political Code of the State of Montana and All Other Acts in Conflict Herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That it shall hereafter be unlawful for any person, firm or corporation, to manufacture, sell, keep for sale or offer for sale within the State of Montana, any gasoline, kerosene, lubricating oil or grease, road oil, fuel oil for boilers and internal combustion engines which is adulterated or misbranded, within the meaning of this Act, or which does not conform to standard specifications herein prescribed.

Sale of adulterated or misbranded gasoline, kerosene, lubricating oil or grease, etc., prohibited.

Section 2. The State Sealer of Weights and Measures of the State of Montana is hereby designated as Ex-officio State Oil Inspector of the State of Montana sub-

State Sealer of Weights and Measures to be ex-officio State Oil Inspector.

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Duty of State Oil Inspector to inspect samples.

ject to the supervision and control of the State Board of Examiners, and it shall be his duty, in order to secure the proper enforcement of this Act, to procure for inspection, and cause to be inspected, suitable samples of the articles enumerated in Section 1 of this Act. And said Oil Inspector is further empowered to make all necessary rules and regulations not inconsistent with the terms of this Act for the procuring and transmission of said samples and for reporting the results of analyses.

Rules and regulations respecting samples.

Publication of results of laboratory investigations.

Duty to report violations of law.

The State Oil Inspector is further empowered and it shall be his duty to publish from time to time and in bulletin form, the results of the laboratory investigations of the State Chemist relative to oil. It shall likewise be his duty to inform the County Attorney of the proper county in all cases where he shall discover violations of this law or shall ascertain that gasoline or kerosene not conforming to the requirements of this Act is being sold or offered for sale.

No extra compensation.

The State Oil Inspector shall receive no extra pay or compensation for the performance of the duties imposed upon him by this Act. He shall, however, be entitled to receive his actual and necessary traveling expenses, including hotel accommodations when engaged in the inspection required by this Act. He shall also be authorized to procure the necessary office help, equipment and supplies to enable him to perform the duties of this Act required. He may likewise for the purpose of enforcing this Act, employ one Deputy Oil Inspector at a salary of not to exceed two thousand dollars, ($2,000.00) per year to be paid out of the fund hereinafter created. He may likewise, to perform the duties imposed upon him by this Act, employ all Deputy Sealers of Weights and Measures under his jurisdiction and such deputies shall be entitled to the same travelling expenses as are herein provided for the State Oil Inspector, but shall receive no extra compensation for the performance of the duties aforesaid.

Traveling expenses and hotel accommodations.

Office help and supplies.

Deputy Oil Inspector, appointment and salary of.

Deputy sealers of weights and measures.

Entitled to traveling expenses.

State Board of Examiners to have supervision and control of State Oil Inspector and State Chemist.

Section 3. That for the purpose of enforcing the terms of this Act, the State Board of Examiners of the State of Montana is hereby given full supervision and control over the State Oil Inspector and State Chemist. It shall be the duty of the State Board of Examiners to supervise all acts of the State Oil Inspector and State Chemist and to co-operate with them to the end that the provisions of this Act may be enforced.

Requirements governing sale of lubricating oil and grease, road oil, etc.

Section 4. Lubricating oil and grease, road oil and fuel oil must be sold under their true names and grades, respectively and such names and grades must be im-

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pressed or otherwise plainly marked upon the barrel, can, vessel, or other container in which the same are stored, sold, offered, or exposed for sale, respectively, or upon a label conspicuously and securely fastened thereto, giving the true name and grade of the product, and the name and address of manufacturer or dealer, who sells the same.

Right of entry and inspection.

Section 5. That for the purpose of obtaining information regarding suspected violation of this Act, the State Oil Inspector shall have access to all places where the above named articles are sold, offered for sale or kept for sale, manufactured or transported, or stored, and may take samples therefrom for analysis, tendering payment therefor. Any persons obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor and shall be punished as provided in Section 16 of this Act.

Obstructing exercise of right, how punishable.

Standards of quality and strength.

Section 6. That the standards of quality and strength for gasoline kept for sale or offered for sale within the State of Montana shall be as follows: That all gasoline kept or offered for sale within the State of Montana shall conform to the following standard specifications:

Standard specifications

1. It shall be free from water and other foreign matter and deodorized.

2. It shall not contain any acid in sufficient quantity to be disclosed by the official litmus test.

3. Its volatility as determined by the standard distillation method shall meet the following requirements:

A. The temperature read on the thermometer when the first drop falls into the receiver shall not be below ninety-five (95°) degrees Fahrenheit nor above 140° Fahrenheit.

B. The temperature read when twenty percent has distilled shall not be below 158° Fahrenheit nor above 221° Fahrenheit.

C. The temperature read when fifty percent has distilled shall not be above 275° Fahrenheit.

D. The temperature read when ninety percent has distilled shall not be above 390° Fahrenheit.

E. The dry point shall not be above 460° Fahrenheit.

F. Tolerance: If either the twenty per cent or the ninety per cent temperature mark is above the required limit by an amount not exceeding 18° Fahrenheit, the gasoline may be considered acceptable if the sum of the two temperatures read for the twenty per cent and the ninety per cent marks does not exceed the sum of the

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May be modified by State Board of Examiners, when.

adopted limits, Provided, however, that the State Board of Examiners shall be authorized to change or modify the standard specifications herein prescribed whenever in it's judgment such change is necessary in order to conform to changing conditions of supply and demand or improvements in motor design; and providing further that whenever the Bureau of Mines of the Department of the Interior of the United States shall hereafter prescribe for the several states a uniform standard specifications for motor gasoline such specifications shall supercede those in this Act provided.

Superseded by Federal standard, when.

Kerosene standards.

Section 7. That the standards of quality, purity and strength for all kerosene kept or offered for sale within the State of Montana shall be as follows: The flash point of all kerosene shall not be less than One Hundred Ten (110) degrees Fahrenheit, measured in the Tagliabue open cup and said kerosene shall contain no water or other foreign matter.

State Chemist designated.

Section 8. That the head or chairman of the Department of Chemistry of the State College of Agriculture and Mechanic Arts of the State of Montana is hereby designated as State Chemist and is authorized, and it shall be his duty, to make all analyses and tests of articles inspected under the terms of this Act, and to employ in such analyses and tests the standard methods of analyses.

Duties of State Chemist.

Services gratuitous.

The State Chemist shall receive no compensation for his services nor shall he charge any fee for testing or analyzing any samples required to be analyzed by him under the terms of this Act, Provided, however, that neither the State Chemist nor the Department of Chemistry of the State College of Agriculture and Mechanic Arts shall be required to receive for analysis any un-official samples submitted by any person other than the State Oil Inspector.

Unofficial samples.

Distillates of lower specific gravity not affected by Act.

Section 9. Nothing in this Act contained shall prevent the manufacture or sale of Engine Distillates, Power Distillates or Kerosene Distillates of a lower specific gravity on the Baume scale than gasoline and which do not conform to the standards of quality, purity and strength prescribed by this Act. Provided, however, that the package or other container in which the same are sold, or offered for sale, shall be plainly labeled in such a manner as to indicate the name and character thereof.

Package or container, how labeled.

Misrepresentation of product.

Section 10. It shall hereafter be unlawful for any person, firm or corporation in the State of Montana, selling or dealing in lubricating oils, to misrepresent the quality or brand of any lubricating oils sold by him

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or to substitute, without the knowledge and consent of the purchaser, a different quality or brand of lubricating oils from that ordered by such purchaser.

Meaning of term "adulterated gasoline."

Section 11. For the purpose of this Act, the term "Adulterated gasoline" shall mean gasoline to which kerosene or any other foreign substance, has been added.

Analyses may be made by assistants, when.

Section 12. All analyses herein directed to be made by the State Chemist may, in the discretion of such State Chemist, be made by any competent assistant acting under his supervision. Providing, however, that such assistant shall be appointed under the rules and regulations of the State Board of Education.

Attendance of State Chemist and assistants as witnesses.

Section 13. It shall be the duty of the State Chemist or his assistants to attend and give evidence in all prosecutions instituted for the enforcement of this Act, and

Fees and mileage.

such chemist or assistant shall receive the same fees and mileage for attendance in such cases as are prescribed by the laws of the State of Montana to be paid to witnesses in Courts of Record.

Construction of term "misbranded."

Section 14. That for the purpose of this Act, the term "Misbranded" shall be construed as follows: All articles, the package or labels of which shall bear any statement, design or device regarding the same, or regarding ingredients or substances therein, or regarding the properties of such articles, which are false or misleading in any particular whatsoever, shall be deemed misbranded.

Penalty for violation of Act.

Section 15. Any person, firm or corporation, who shall manufacture, keep for sale, or offer for sale, any adulterated or misbranded gasoline or kerosene as defined by this Act, or who shall in any manner violate any of the other provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-five ($25.00) Dollars nor more than Five Hundred ($500.00) Dollars and costs of prosecution, and each and every sale in violation of any of the provisions of this Act shall be deemed a separate offense.

State Gasoline Inspection Fund.

Section 16. That for the purpose of enforcing the provisions of this Act, a fund to be known as the State Gasoline Inspection Fund is hereby created; that all of the expenses incurred by the State Oil Inspector in enforcing the terms of this Act, the salary and all of the necessary traveling expenses of the deputy oil inspector and all necessary laboratory and traveling expenses of the State Chemist shall be paid out of the fund created by this Act in the following proportions, to-wit: Two-

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Expenses incurred in enforcement of Act, how paid.

thirds of the fund hereby created shall be expended in payment of salary, traveling and other expenses of the State Oil Inspector and his deputies, including office help and equipment; one-third of said fund shall be expended in the payment of the necessary expenses incurred by the State Chemist. All bills for payment out of said fund shall be presented and audited in the same manner as other claims against the State of Montana.

Presentation and auditing of bills.

Appropriation in aid of Act.

Section 17. There is hereby appropriated for the State Gasoline Inspection fund out of any moneys in the State Treasury not otherwise appropriated, the sum of Ten Thousand ($10,000.00) Dollars, for the fiscal year ending February 29th, 1920, and Ten Thousand Dollars ($10,000.00) for the fiscal year ending February 28th, 1921.

Section 18. This Act shall take effect and be in full force sixty (60) days from and after its passage and approval.

Approved March 11, 1919.

CHAPTER 204.

'An Act Providing for the Appointment of a Board of Managers for the Terminal Grain Eelevator to be Constructed at Great Falls, Montana, prescribing their Powers and Duties; and providing for the Location, Construction, Maintenance and Operation of said Terminal Grain Elevator, and for the Issuance of Bonds by the State Board of Examiners pursuant to Chapter 150 of the Session Laws of the Fifteenth Legislative Assembly and the Authority conferred at the General Election in November, 1918."

Be it enacted by the Legislative Assembly of the State of Montana:

Terminal Grain Elevator, creation of.

Section 1. BOARD OF MANAGERS, APPOINTMENT.—There is hereby created a Board of Managers to consist of five members, for the terminal grain elevator to be constructed at Great Falls, Montana, pursuant to the provisions of Chapter 150 of the Session Laws of the Fifteenth Legislative Assembly. Within thirty days after the passage and approval of this Act the Governor shall appoint the said Board of Managers, one of whom must be chosen from the list of five names submitted to him by the Montana American Society of Equity, one from the list of five names submitted to him

Appointment of board of managers.

Mode of selection.

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by the Farmer's Union and one from the list of five names submitted to him by the Montana State Grange, all of whom shall be resident freeholders within the State of Montana and not less than three of whom shall be farmers who are growers of grain. Two of the members so appointed shall serve for a period of three years from and after the first day of April A. D., 1919; two of the members so appointed shall serve for the term of two years from and after the first day of April A. D., 1919; and one of the members so appointed shall serve for the term of one year from and after the first day of April A. D., 1919. At the expiration of their several terms of office, the Governor shall appoint members of the said Board of Managers for the period of three years. In case of a vacancy in the membership in the said Board of Managers by death, resignation or otherwise, the Governor shall appoint to fill the unexpired term of such member.

Qualifications of members.

Term of office.

Subsequent appointment of members.

Vacancies, how filled.

Section 2. BOARD OF MANAGERS, ORGANIZATIONS.—The Board of Managers shall meet at the State Capitol at the City of Helena on the Second Monday in April, 1919 and there organize by choosing one of their number as President and one of their number as Secretary. Meetings of the Board of Managers shall thereafter be held upon the call of the President or any two members thereof at a time and place to be designated in such call.

Organization of board of managers.

Meetings of board.

Section 3. BOARD OF MANAGERS, COMPENSATION.—The members of the Board of Managers shall receive the sum of $10.00 per day and actual and necessary expenses incurred in attending meetings. All expenses incurred in the construction of the said terminal grain elevator, including the charges and expenses of the Board of Managers, prior to the completion of said elevator, and all expenses incurred in investigations and in the employment of engineers and architects, shall be paid out of the fund derived from the sale of the bonds.

Compensation of members.

Expenses incurred under Act, how paid.

Section 4. DUTIES OF BOARD OF MANAGERS. The Board of Managers shall make a careful study and complete investigation into the operation of terminal grain elevator, and as to the prices of construction materials and labor, and all matters necessary to be determined pertaining to the construction and successful operation of a terminal grain elevator at Great Falls, Montana. Upon completing such study and investigation and having decided upon a workable plan for the construction and successful operation of said terminal elevator

Duties of board of managers.

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and within sixty days after its organization, the Board of Managers shall adopt rules and regultions for the operation and management of said elevator, and proceed with the procuring of plans and specifications for the construction thereof.

Notice of readiness to proceed with work of construction, to whom given.

Section 5. ISSUANCE OF BONDS.—Upon completion of such study and investigation and having decided upon a workable plan for the construction and successfu. operation of said terminal elevator and within sixty days after its organization, the Board of Managers shall notify the State Board of Examiners that it is ready to proceed with the construction of said terminal grain elevator.

Issuance of bonds for construction of elevator.

The said Board of Examiners of the State of Montana is hereby authorized and directed to proceed with the issuance and sale of bonds of the State of Montana to the amount of Two-hundred and Fifty Thousand ($250,000.00) Dollars for the purpose of constructing said terminal grain elevator with the necessary equipment at Great Falls, Montana, pursuant to the provisions of Chapter 150 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, and the vote of the electors at the general election in November, 1918.

Plans and specifications.

Section 6. CONSTRUCTION OF ELEVATOR.—The Board of Managers are hereby authorized and directed to employ necessary engineers and architects for the purpose of procuring suitable plans and specifications for

Approval of same by board of managers.

the construction of said terminal grain elevator. Such plans and specifications must be approved and adopted by the Board of Managers. Upon the adoption and approval of such plans and specifications the Board of

Copies to be furnished State Board of Examiners.

Managers shall deliver to the Board of Examiners of the State of Montana the necessary number of copies of such plans and specifications. The Board of Examin-

Advertising for bids.

ers shall thereupon advertise in not less than three daily newspapers published in the State of Montana for a period of not less than thirty days for bids for the construction of the said terminal grain elevator at Great

Opening of bids and award of contract.

Falls and for the furnishing of necessary equipment therefor. At the time and place specified in such notices, the Board of Examiners shall proceed to open bids and to let a contract for the construction of such terminal grain elevator and for the furnishing and installation

Site for elevator.

of the necessary equipment therefor. The State Board of Examiners are authorized to procure by purchase, by condemnation proceedings or otherwise, a necessary site for the said terminal grain elevator, the

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location of such site to be approved by the Board of Managers. The said Terminal Grain Elevator shall be equipped with proper grain cleaning and other necessary machinery; the equipment for said elevator to be determined by the said Board of Managers and to be fully detailed in the said plans and specifications. The Board of Examiners of the State of Montana, are hereby vested with full power and authority to enter into a contract or contracts for the construction of said terminal grain elevator and the equipment thereof. The amount to be paid under such contract or contracts and all expenses incurred in procuring a necessary site, the plans and specifications and all other incidental expenses pertaining to the construction of said elevator, shall not exceed the sum of $250,000.00, all of which shall be paid out of the proceeds from the sale of the bonds authorized in Section 5 of this Act. All moneys shall be paid out on claims presented to the State Board of Examiners and approved by the President and Secretary of the Board of Managers and by the Board of Examiners.

Equipment.

Contracts for construction of elevator.

Cost of undertaking, not to exceed what amount.

Mode of disbursing funds.

Section 7. OPERATION OF ELEVATOR. — The Board of Managers shall have full power and authority to manage the said terminal grain elevator and to receive for storge, cleaning and grading, all grain grown in the State of Montana and to sell the same upon the order of the owner thereof, remitting to the owner, the proceeds derived from the sale of such grain, less fair and reasonable charges to be fixed by the Board of Managers. The said Board of Managers are authorized and directed to employ a Terminal Elevator Superintendent at a salary not exceeding $5,000.00 per annum. The Board of Managers shall authorize the issuance by the terminal elevator superintendent of registered warehouse receipts for all grain stored or handled, such receipts to be numbered consecutively and which may be assigned or transferred by endorsement. The Board or Managers are hereby authorized and directed to adopt necessary rules and regulations for the operation and management of said elevator. Upon the completion of the said elevator, the Board of Managers shall make a detailed report to the Governor of its expenditures incurred in the construction of the said terminal grain elevator, and thereafter the Board shall make annual reports of its doings to the Governor.

Operation of elevator entrusted to board of managers.

Employment and salary of elevator superintendent.

Registered warehouse receipts.

Negotiability.

Rules and regulations.

Reports of board of managers.

Section 8. INSPECTION OF GRAIN.—Before any grain shall be received into the terminal grain elevator, the same shall be inspected and graded by an Inspector

Grain inspection.

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holding a license issued by the United States Department of Agriculture.

Official bond of members of board.

Section 9. BONDS.—Each member of the Board of Managers is hereby required to give a bond to the State of Montana for the faithful performance of the duties devolving upon him in the sum of $5,000.00 and the terminal elevator superintendent shall be reequired to furnish a bond for the faithful performance of his duties in the sum of $20,000.00. Each member of the Board of Managers and the said superintendent shall also take and subscribe the constitutional oath of office; said oaths of office and bonds shall be filed in the office of the Secretary of State and the bonds shall be approved by the State Board of Examiners.

Bond of superintendent.

Oath of office.

Terminal Elevator Fund.

Section 10. TERMINAL ELEVATOR FUND.—All moneys received for storing and handling grain, after the payment of the expenses of maintaining and operating the said terminal elevator, including the salary of the superintendent and expenses of the Board of Managers and premiums on the bonds provided for in Section 8, shall be paid into the State Treasury quarterly and credited to a separate fund designated as "The Terminal Grain Elevator Fund," and the said fund shall be used exclusively for the payment of the interest and principal of the terminal elevator bonds.

Use of fund.

Prohibited acts deemed felony.

Section 11. PENALTIES.—If any member of the Board of Managers or the Superintendent or any other person, either officer, agent or employee, shall knowingly issue false or fraudulent storage receipt or any receipt which purports to be or is represented to be a receipt for grain stored in the said terminal grain elevator when such grain has not in fact been received, or for a greater quantity than has been received, or stored, or shall in any manner issue a false receipt for the purpose of defrauding any person or persons, company or corporation, or the terminal elevator fund of the State of Montana, shall be deemed guilty of a felony and upon conviction shall be punished by a fine of not less than $1,000.00 nor more than $10,000.00 or by imprisonment in the State Penitentiary for not less than one or more than ten years or by both such fine and imprisonment.

Punishment for acts specified.

Violation of rules and regulations, penalty for.

Any person guilty of wilfully violating any of the rules and regulations adopted by the Board of Managers for the operation and maintenance of the said terminal grain elevator shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding $100.00 or by imprisonment in the

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County Jail not exceeding ninety days or by both such fine and imprisonment.

Appropriation to carry out investigation.

Section 12. There is hereby appropriated out of the general fund of the State of Montana, not otherwise appropriated, the sum of $2,000.00, or so much thereof as may be necessary to pay the necessary expenses incurred in conducting the investigation herein provided for.

Repealing clause.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1919.

CHAPTER 205.

"An Act to Provide a Budget System for the Control of all Expenditures of State Money."

Be it enacted by the Legislative Assembly of the State of Montana:

Act to be known and cited as "Budget Act."

Section 1. This Act shall be known, and may be cited as, the "Budget Act."

Request for appropriations to be presented by state departments and institutions.

Section 2. Each department of the State government and all State institutions and agencies requiring an annual appropriation from the State, shall present a request therefor to the State Board of Examiners on or before the 15th day of November of each year preceding a regular session of the Legislative Assembly.

By whom request presented.

Section 3. Such request shall be made by the head of such department, institution or agency, and in the case of the judiciary, it shall be made by the Clerk of the Supreme Court under the direction of the Chief Justice of the Supreme Court.

Forms for requests.

Section 4. All requests for appropriations shall be made upon blank forms to be furnished by the Auditor and approved by the State Board of Examiners. The blank forms shall be filled in according to the rules adopted by the State Board of Examiners. Upon the receipt of the requests for appropriations, the State Board of Examiners shall proceed to examine such requests and reports for the purpose of determing the necessity of the appropriations so requested.

State Board of Examiners shall determine necessity of appropriation.

Provisions governing appropriations.

Section 5. The Legislative Assembly shall not appropriate any money out of the State Treasury except in accordance with the following provisions:

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(a) Every appropriation bill shall be either a "Budget Bill," or a "Supplementary Appropriation Bill," as hereinafter mentioned.

Annual budgets for fiscal years.

(b) BUDGET——Within ten days after the convening of the Legislative Asembly, the State Board of Examiners shall submit to the House of Representatives and to the Senate two budgets, one for each of the two ensuing fiscal years. Each budget shall contain a complete plan of proposed expenditures and estimated revenues for the particular fiscal year to which it relates; and shall show the estimated surplus or deficit of revenues at the end of such year. Accompanying each budget shall be a statement showing: (1) The revenues and expenditures for each of the two fiscal years next preceding; (2) The current assets and libilities, reserves and surplus or deficit of the State; (3) All debts and the amount of all moneys in the State Treasury to the credit of each fund; (4) Any explanation the Board of Examiners may desire to make as to the important features of any budget and any suggestions as to the methods for the reduction or increase of the State's revenue.

Contents of budget.

Division of budget into two parts.

(c) Each budget shall be divided into two parts, and the first part shall be designated "Governmental Appropriations" and shall embrace an itemized estimate of the appropriations for each of the two ensuing fiscal years; (1) For the Legislative Assembly showing the amounts necessary to pay the mileage and per diem of each member and officers and attaches and the several items for necessary incidential expenses; (2) For the Executive Department, as provided by law; (3) For the Judiciary Department, as certified to by the Clerk of the Supreme Court, herein provided, and as provided by law; (4) To pay and discharge the principal and interest of any bonded indebtedness of the State of Montana; (5) For the salaries payable by the State under the Constitution and laws of the State; (6) For the establishment and maintenance throughout the State of a thorough and efficient system of public schools, so far as the same may be necessary, in conformity with the Constitution and laws of the State; (7) For such other purposes as are set forth in the Constitution of the State.

Designation of first part as "Governmental Appropriations."

Designation of second part as "General Appropriations."

(d) The Second part of the budget shall be designated "General Appropriations," and shall include all other estimates and appropriations.

Transmission of budget to Legislature.

Section 6. The State Board of Examiners shall deliver to the presiding officer of the House of Representatives and of the Senate the budgets for all the pro-

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posed appropriations, clearly itemized and classified on or before the 10th day of each session; and the presiding officer of the House of Representatives and of the Senate shall promptly refer said budgets to the proper committee. The General Appropriation Bill for the maintenance of the several departments of the State government and the several State institutions shall be based upon the budget so submitted; and the Legislative Assembly may amend the budgets by increasing or diminishing the items therein, except that the Legislative Assembly shall not amend the budgets so as to affect either the obligations of the State or the payment of any salaries required to be paid by the Constitution and laws of the State.

Reference to committee.

As basis of General Appropriation Bill.

Power of Legislature to amend budget.

Limitation upon power.

Section 7. The State Board of Examiners and representatives of the executive departments, boards, officers, commissions, and institutions of the State, and other State agencies, expending or applying for State moneys, shall have the right, and when requested by either the House of Representatives or the Senate, it shall be their duty to appear and to be heard with respect to any Budget Bill during the consideration thereof, and to answer inquiries relative thereto.

Right of interested officials to be heard upon budget.

Section 8. SUPPLEMENTARY APPROPRIATION BILLS.——Neither the House of Representatives nor the Senate shall consider any other appropriations until the Budget Bill has been finally acted upon by both houses, and no other appropriation shall be valid unless in accordance with the following provisions: (1) Every such appropriation bill shall be embodied in a separate bill limited to some single work, object or purpose, therein stated and called a Supplementary Appropriation Bill; (2) No Supplementary Appropriation Bill shall become a law unless it is passed in each house by a two-thirds vote of all members and the ayes and nays recorded on its final passage.

Budget bill to take precedence over other appropriations.

Conditions requisite to validity of other appropriations.

Section 9. GENERAL PROVISIONS——(1) If the General Appropriation Bill based upon the budgets shall not have been finally acted upon by both the House of Representatives and the Senate on or before the 30th day of the session of the Legislative Assembly, then such General Appropriation Bill shall be considered to the exclusion of all other bills until the same shall have been finally acted upon by both the House of Representatives and the Senate; (2) The State Board of Examiners for the purpose of making up the Budget Bill, shall have the power, and it shall be its duty to require from the proper

Limitation upon time for consideration of General Appropriation Bill.

Entitled to exclusive consideration.

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Itemized statements and other information to be furnished State Board of Examiners.

State officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for State moneys and appropriations, such itemized statements and other information, in such form and at such times as the board shall direct; (3) Each member of the Legislative Assembly upon introducing a Supplementary Appropriation Bill shall present to the Clerk an extra copy of such bill, which shall be transmitted to the State Board of Examiners, which shall within five (5) days from the receipt thereof return the same to the clerk, with recommendations and suggestions in connection with such appropriation to be transmitted to the committee to which the bill has been referred.

Advisory function of State Board of Examiners with reference to appropriations.

Printing and distribution of copies of budgets.

Section 10. The State Board of Examiners shall have printed before the 10th day of each session of the Legislative Assembly the Budgets provided for herein, and shall distribute copies of the same to the members of the Legislative Assembly and to all the State departments, institutions and agencies.

Repealing clause.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1919.

CHAPTER 206.

"An Act to Define the Duties of Persons Slaughtering Cattle and to Repeal Sections 1794, 1795, 8859, and 8862 of the Revised Codes of Montana 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Hides of slaughtered cattle shall be kept ten days for exhibition.

Section 1. Every person or persons slaughtering cattle must keep the hides with the ears attached for ten days, and must upon demand being made by any person. exhibit said hide for examination, except as hereinafter provided.

Butchers must have cattle inspected by whom before slaughtering.

Section 2. All persons who are butchers and who slaughter cattle shall, prior to the killing of same, have said cattle inspected for brands by the stock inspector or his deputy, or the sheriff or his deputy and said butchers shall keep a record of the marks and brands of the cattle slaughtered by them, in a book, subject

Records to be kept.

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at all times to the inspection of the public, in which must be recorded the name of the person from whom the cattle are purchased, together with his residence and date of purchase and on or before the first day of each month must make two copies of such record and make affidavit as to the correctness of the same. One of said copies shall be filed with the nearest justice of the peace and the other in the office of the County Clerk of the county wherein said animals were slaughtered, and he shall keep a record as hereinbefore provided, of all meats purchased by him, from parties other than a butcher. A butcher within the meaning of this Act is any person, firm, association of corporation, actually engaged in and conducting at a fixed location a regular business in slaughtering of animals and the sale of meats therefrom to the trade at retail or wholesale or any agent, manager or other employee thereof in charge or in control of said business.

Record shall show, what.

Verified copies of record shall be filed, where.

Record of meats purchased.

"Butcher" defined for purposes of Act.

Section 3. Every person, firm, association or corporation who slaughters and offers for sale or sells meat in this state shall first obtain from the County Clerk, a license to sell such meat and shall pay for said license the sum of $1.00, said payment to be made annually in advance and said license fee when collected shall be deposited in the general fund of the county. The Provisions of this Section shall not apply to any person who shall kill beef in good faith for his own use.

Persons and corporations engaged in slaughtering and selling meat shall first obtain license.

License fee.

Not to apply to whom.

Section 4. Any person or persons, except he shall have secured a permit from the Stock Inspector or his deputy or the Sheriff or his deputy, or is a butcher, as hereinbefore provided, who sells beef shall have the hide of each beef tagged with a numbered metal tag by the stock inspector or his deputy, or the sheriff or his deputy, before the beef is offered for sale, and upon demand, must produce such hide or inspector's certificate of inspection. Said inspector or sheriff shall keep a record of the person offering for sale such beef, the number on the tag or tags used, the brand on the hide or hides and the date of inspection, and the officers making such inspection shall forward a record of all inspections made on or before the first day of each month to the County Clerk of his county, which said record shall be placed in the files of the said County Clerk and shall be open for examination by any person, and it shall be the duty of the stock inspector and sheriff to appoint a sufficient number of deputies or special deputies to administer the pro-

Persons who shall have the hide tagged with numbered metal tag before the beef is offered for sale.

Must produce hide or inspector's certificate, when.

Record to be kept by inspecting officer.

Record to be forwarded to whom and when.

Record to be filed and be open for inspection.

Additional inspectors or deputies to be appointed.

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visions of this Act without undue inconvenience or expense to the public.

Either the hide or certificate must be produced, when and by whom.

Section 5. Any person or persons who kill cattle for beef must produce on demand of any person, either the hide of such animal or animals so killed for beef or a certificate of inspection of the hide, issued by the Stock Inspector or his deputy, or the sheriff or his deputy.

Violation of Act a misdemeanor.

Penalty.

Section 6. Any person or persons who violate any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than $25.00 nor more than $500.00.

Laws repealed.

Section 7. Section 1794, 1795, 8859 and 8862 of the Revised Codes of Montana 1907 are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1919.

CHAPTER 207.

"An Act to Amend Sections 5, 6 and 12 of Chapter 75, Acts of Fifteenth Legislative Assembly Entitled 'An Act to Provide for the Registration and Identification of Motor Vehicles and Operators Thereof, and Providing for the Regulation of All Vehicles Operating Upon the Public Highways of the State and Providing Penalties for the Violation of the Provisions of This Act, and Providing for the Disposition of All Funds Collected Thereunder, and Repealing the Provisions of Chapters 71 and 73 of the Laws of the Thirteenth Legislative Assembly, and Chapter 65 of the Laws of the Fourteenth Legislative Assembly.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

SECTION 1. That Section 5 of Chapter 75, Acts of the Fifteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended so as to read as follows:

Duty of owners of motor vehicles to file a verified application for registration.

"Section 5. a. Duties of owners to file applications. Every owner of a motor vehicle operated or driven upon the public highway of this state shall, for each motor vehicle owned, except as herein otherwise expressly provided, cause to be filed by mail, or otherwise, in the office of the registrar of motor vehicles a verified application for registration on a blank to be furnished by the

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registrar of motor vehicles for that purpose and containing the information therein called for. Each application must be accompanied by the registration fee hereinafter named, registration must be renewed and fees paid annually, and application for re-registration must be filed with the registrar of motor vehicles not later than January 1st of each year.

Fee must accompany application.

b. Every dealer in motor vehicles shall cause to be filed by mail or otherwise, in the office of the registrar of motor vehicles a verified application for registration as a dealer on a blank to be furnished by the registrar of motor vehicles for that purpose, and containing the information therein called for. Each application must be accompanied by the registration fee hereinafter named. Dealers registration must be renewed and paid for annually, and application for re-registration must be filed not later than January 1st of each year. Upon the registration of a dealer the registrar of motor vehicles shall assign to such dealer a distinctive serial registration number as a dealer, and furnish such dealer with six (6), sets of number plates, which number plates shall be similar to number plates furnished by the registrar to owners of motor vehicles but shall bear thereon in addition to the serial number assigned such dealer the word "Dealer" or the letter "D." Nothing contained in this subdivision shall be construed to authorize a dealer to operate or use a motor vehicle for other than demonstration purposes shall be registered in accordance with the provisions of subdivision (a) of this section.

Application for dealers' registration to be made, how.

Fee must accompany application.

Renewals of registration and application for.

Dealers' serial registration number.

To be furnished with wnat.

Form of plates.

Dealer not authorized to operate vehicle for other than demonstration purposes.

c. Must have number plates. No person shall operate or drive a motor vehicle upon the public highways of this state unless such vehicle shall have been properly registered and shall have the proper number plates conspicuously displayed one on the front and one on the rear of such vehicle, each securely fastened so as to prevent the same from swinging. No person shall display on such vehicle at the same time any number assigned to it under any motor vehicle law, except as in this Act otherwise provided.

Unlawful to operate motor vehicle on public highways without number plates and registration.

Plates to be displayed, where.

No other plates to be displayed.

d. Transfer of vehicle sold. Upon the sale of a motor vehicle registered in accordance with this section by other than a dealer, the vendee shall within ten days after the date of such sale notify the registrar of motor vehicles of the same, stating the name and business address of the previous owner, if known, the number under which such motor vehicle is registered, and the name, residence and business address of such vendee. Upon filing such state-

Vendee of motor vehicle shall notify the registrar of sale, when and in what manner and time.

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Fee upon filing notice and notation on registration record.

ment accompanied by a filing fee of one ($1.00) Dollar with the registrar of motor vehicles, the latter shall note upon the registration record such change of ownership.

Replacing lost or destroyed plates and registration certificate.

e. Replacing number plates or certificates. In the event of loss, mutilation or destruction of a certificate of registration or number plate, the owner of the registered motor vehicle may again register with the registrar of motor vehicles and receive a new number upon filing in the office of the registrar of motor vehicles a sworn declaration showing the fact and payment of a fee of One Dollar for such registration. The original registration shall thereupon be cancelled.

Fee to be paid.

Provisions of foregoing sections not to apply to whom.

f. Exemption of non-resident owners. The provisions of the foregoing sections relative to registration and display of registration number shall not apply to a motor vehicle owned by a non-resident of this state temporarily sojourning in this state if such motor vehicle be registered in the state in which the owner thereof resides and there be displayed thereon the proper number plate of such state.

Registration of dealers and vehicles may be made and licenses issued at any time.

Licenses to expire, when.

g. Dealers and motor vehicles may be registered and re-registered and licenses and certificates issued at any time during the year but all registrations, licenses and certificates shall cease to be effective after December 31st of the year in which the same are issued."

Law amended.

SECTION 2. That Section 6 of Chapter 75, Acts of Fifteenth Legislative Assembly, be, and the same is hereby amended so as to read as follows:

Fees for registration and re-registration.

"Section 6 a. Registration fees shall be paid to the registrar of motor vehicles upon registration or re-registration of dealers and motor vehicles in accordance with this Act as follows:

Dealers in motor vehicles other than motor cycles	$50.00
Dealers in motor cycles	15.00
Motor vehicles, other than motor trucks, having a rated engine capacity not exceeding 23 horsepower (according to S. A. E. Formula)	5.00
Motor vehicles, other than motor trucks, having a rated engine capacity exceeding 23 horsepower, and not exceeding fifty horsepower (according to S. A. E. Formula)	10.00
Motor vehicles, other than motor trucks, having a rated engine capacity exceeding fifty horsepower (according to S. A. E. Formula)	15.00
Trucks not over one ton capacity	5.00
Trucks over one and not over two tons capacity	15.00
Truck over two and not over three tons capacity	25.00

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Trucks over three tons capacity 40.00
Bicycles with motor attachment 1.00

Disposition of fees collected.

The registrar of motor vehicles shall first deduct from all fees paid under the provisions of this act, the actual cost of making and mailing all licenses, certificates, license plates and identication marks; of the remainder of the fees so paid he shall transmit twenty-five per cent thereof to the county from which the registration fee came, for deposit to the credit of the general road fund of said county. The remaining seventy-five per cent he shall transmit to the State Treasurer to be deposited to the credit of the State Highway Fund. Of the fees thus received by the State Treasurer for the State Highway Fund one-third shall be held for expenditure in the counties from which the fees originated under the direction of the State Highway Commission. The registrar of motor vehicles shall furnish monthly statements of fees, and their origin, to the State Treasurer and to the State Highway Commission.

To counties.

To State Highway Fund.

Expenditure of State Highway Fund.

Monthly reports of registrar.

Registration fee of dealers made after July 31st.

b. If any dealer or motor vehicle is originally registered after July 31st in any year the registration fee for the balance of such year shall be one-half of the regular fee above given.

Registration fees must be paid by dealer for each place of business.

c. A dealer who shall maintain more than one place of business, or who shall maintain any branch establishment or establishments must register and pay a registration fee for each such place of business or establishment.

Transfer of registration certificate of dealer who sells entire business.

d. A registered dealer who may sell and dispose of his entire business to any other person may have his certificate of registration transferred to such purchaser upon filing with the registrar of motor vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser and the location of the place of business so sold. Upon the filing of such statement accompanied by a filing fee of $1.00 the registrar of motor vehicles shall note upon the registration record such change of ownership. But no certificate of registration can be so transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchaser of such business.

Fee for transfer.

Certificate can be transferred only, when.

Provisions not to apply to governmentally owned vehicles.

e. The provisions of this Act with respect to payment of registration fees shall not apply or be binding upon motor vehicles owned or controlled by the United States of America or by any State, city, county, or department

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thereof; but in all other respects the provisions of the Act shall be applicable and binding upon cars so owned.

Law amended.

SECTION 3. That Section 12 of Chapter 75, Acts of Fifteenth Legislative Assembly be, and the same is hereby amended so as to read as follows:

The term "motor vehicle" defined for purposes of Act.

"Section 12. Definitions. As used in this act the term 'motor vehicle,' shall include all vehicles propelled by any power other than muscular power, except road rollers, traction engines and railroad cars and motor cars running upon stationary rails or tracks. The term 'motor cycle' shall mean a motor vehicle having but two wheels in contact with the ground and a saddle on which the operator sits astride, or a platform on which he stands, and bicycles having a motor attached thereto and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself, but a motor cycle may carry one or more attachments and a seat for the conveyance of a passenger. The term 'motor truck' shall include all motor vehicles used for commercial purposes in carrying freight and merchandise. The term 'owner' shall include any person, firm, association or corporation, owning or renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. The term 'dealer' shall include every person who is engaged in the business of buying, selling or exchanging motor vehicles in this state, whether at an established place of business or otherwise, but shall not include agents or salesmen of manufacturers or distributors selling motor vehicles to or establishing selling or distributing agencies therefor with dealers registered in this state, or salesmen, mechanics or demonstrators regularly employed by registered dealers in this state. The term 'chauffeur' shall mean any person operating a motor vehicle, other than his own, as a mechanic, employee, or for hire, but shall not apply to any employee of a registered dealer demonstrating or testing motor vehicles under such dealer's license, nor to an employee whose ordinary employment does not include the driving of any motor vehicle, even though such employee should be temporarily engaged in driving a motor vehicle. The word 'operator' shall mean any person who operates or drives a motor vehicle. The term 'state' shall also include the territories and federal districts of the United States. The term 'local authorities' shall include all officers of counties, townships, cities, towns and villages as well as all boards, committees and other public officials of such counties, townships, cities, towns and vil-

"Motor cycle" defined.

"Motor truck" defined.

Term "owner" defined.

Term "dealer" defined.

"Chauffeur" defined.

"Operator" defined.

Term "state" defined.

The term "local authorities" defined.

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lages. The term 'public highway' shall include any highway, county road, state road, public street, avenue, alley, park, parkway, or public place in any county, city, town or village, except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriages. The term "public highway" defined.

SECTION 4. All acts and parts of acts in conflict herewith are hereby repealed.

SECTION 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1919.

CHAPTER 208.

"An Act to Amend Paragraph 5 of Section 3 of Chapter 79 of the Acts of the Fifteenth Legislative Assembly Relating to License Tax on Corporations."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That paragraph 5 of Section 3 of Chapter 79 of the Acts of the 15th Legislative Assembly relative to license tax on corporations be amended so as to read as follows: Law amended.

"Fifth. Any corporation engaged in both intrastate and interstate commerce, the net earnings from the intrastate business in Montana, so far as expenses of maintenance and opertion are concerned, shall be determined by deducting from the gross earnings from intrastate business in Montana such portion thereof as the total expenses of such corporation for maintenance and operation, both within and without the State of Montana, are of the gross earings of such corporation from all sources both within and without the state; provided, further, that as to any such corporation the deduction for interest shall be such portion of all interest paid on the entire indebtedness of such corporation as the gross intrastate earnings of such corporation in Montana are of the gross earnings of such corporation from all sources, both within and without the state, and the deduction for taxes shall be such portion of all taxes paid by such corporation in Montana as the gross intrastate earnings of such corporation in Montana are of the gross earnings of such corporation from all sources from within the state, and otherwise the foregoing provisions with reference to deductions shall apply. Net earnings of corporations engaged in both intrastate and interstate business to be determined, how. Deduction of what proportion of interest paid.

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Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. That this Act shall be in effect and full force from and after its passage and approval.

Approved March 12, 1919.

CHAPTER 209.

"An Act to Create a Grain Grading, Inspection and Warehousing Commission of the State of Montana, and Defining Their Powers and Duties; Conferring upon Said Commission the Power to Adopt the Federal Grades as Grain Standards of this State, now or Hereafter Established by the United States Department of Agriculture; to Establish State Grades for Other Grains and Empowering Said Commission to Adopt and Enforce Regulations for the Handling, Buying, Weighing, Inspection and Storage of Grains, and to Prescribe Penalties for Violations of said Regulations; also Providing for the Collection of such Fees as May Be Prescribed by Said Commission; Conferring upon Said Commission Power to License the Operators of all Public Elevators, Warehouses or Other Persons in Operation and Control of Places Where Grain is Handled, Sold or Stored, and for the Licensing of all Track Buyers, Dealers, Brokers and Other Persons Buying and Selling Grains, and Conferring upon Said Commission Power to Revoke such Licenses for Violation of the Rules and Regulations of the Commission: Providing for Bonds of all Elevator Operators, Warehouse Men, Track Buyers, Dealers, Brokers, and Other Persons Engaged in the Buying and Selling of Grain; Providing for the Appointment by Said Commission of a State Grain Inspector and Deputy Inspectors, and Conferring upon Said Commission Power to Fix the Salaries Thereof and to Remove Said Inspector and Deputy Inspectors for Inefficiency or Misconduct; Providing for the employment of Said Commission of Expert Tester of Scales at a Salary to be Fixed by Said Commission and Whose Duties Shall Be Such as Prescribed by the Commission: Providing for the Employment by Said Commission of Competent Agents or Auditors, Who Shall Be Authorized to Inspect All Books, Papers and Accounts of Licensees; Conferring upon Said Com-

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mission Power to Require the Installation of Cleaners at All Elevators and Warehouses and the Return of the Dockage or an Equivalent Value Thereof to the Owner; Providing for the Appointment and Term of Office of the Members of Said Commission and the Secretary Thereof, and All Officers, Clerks, Employes, Inspectors and Deputy Inspectors Necessary to the Carrying on of the Business and the Discharge of the Duties of Said Commission, and Creating a Fund to Be Known as the Grain Grading, Inspection and Warehousing Commission Fund, Under the Control of the State Treasurer, out of which Fund All Salaries and Expenses of Said Commission, Its Agents, Officers, Clerks, Inspectors and Employes Shall Be Paid, and Providing for an Appropriation out of Any Funds in the Public Treasury not Otherwise Appropriated, to Carry on the Preliminary Work of the Commission, until the Fund Created Under the Provisions of This Act Are Available."

Be it enacted by the Legislative Assembly of the State of Montana:

The Grain Grading, Inspection and Warehousing Commission of the State of Montana created.

SECTION 1. There is hereby created and established a Commission to be known as THE GRAIN GRADING, INSPECTION AND WAREHOUSING COMMISSION OF THE STATE OF MONTANA, which shall consist of three members to be appointed by the Governor of the State of Montana and which said members of the Commission shall be members of a farm organization engaged in the growing of grain in the State of Montana and who shall be qualified electors of the State of Montana. The term of office of the members of said Commission shall be two years, and until their successors shall be appointed and qualified. Any vacancy occurring in the Commission shall be filled by appointment of the Governor, and such appointee shall hold office until the expiration of the term of office of the member whose place he is appointed to fill.

Members, appointment and qualifications.

Terms of office.

Vacancies to be filled, how.

Special qualification of two members.

Two of the Commissioners appointed under the provisions of this Act shall be directly interested in the production of grain within the State of Montana, and one of whom shall be versed in the grain trade.

Official bonds.

SECTION 2. Before entering upon such office, each member of the Commission shall give bond to the State in the sum of $5,000.00, conditioned for the faithful discharge of his official duties, which said bond shall be approved by the Governor and filed in the office of the Secretary of State. The books and affairs of the Com-

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mission shall be subject to examination by the State Examiner.

Meetings to be held, when.

SECTION 3. The Commission shall be in session during such time, to be determined by the members thereof, as necessary to perform the duties conferred upon it by the provisions of this Act, and its meetings may be held at any place within the State of Montana where the duties prescribed by this Act may necessitate a meeting to be held, except that the home office of said Commission shall be in Great Falls, Montana, at which office shall be kept a book of Minutes, which shall contain a record of all its proceedings, and any member may cause his dissent from the action of a majority of the Commission to be entered in such record. The Commission may also establish Rules and Regulations, not inconsistent with law, for its government, and shall record the same in its minutes.

Home office.

Records to be kept.

Rules and regulations.

Power to cause the attendance of witnesses.

SECTION 4. The Chairman of the Commission may issue subpoenas to compel the attendance of witnesses before the Commission, or any members thereof, in the same manner that any Court in this State may do, and whenever the testimony of any witness upon any matter pending before the Commission is deemed material, the Chairman shall cause the attendance of the witness before such Commission, or a member thereof, to testify concerning the matter, and the Commission shall make a reasonable allowance to such witness, not exceeding the fees of witnesses in civil cases, together with mileage actually traveled by such witness, as allowed in civil cases, which shall be paid out of the GRAIN GRADING, INSPECTION AND WAREHOUSING COMMISSION fund. Each member of the Commission may take depositions to be used before it, and shall have power to administer oaths.

Compensation and mileage of witnesses.

Depositions.

Secretary of Agriculture, Labor and Industry ex officio secretary of commission.

Duties.

SECTION 5. The Secretary of Agriculture, Labor and Industry of the State of Montana is hereby made Ex-Offficio Secretary of the Grain Grading, Inspection and Warehousing Commission, and his duties shall be such as are imposed upon him by this Act or which may be required of him under the rules and regulations of the Commission, not inconsistent with the laws of the State, and such duties shall be performed without extra compensation, except that all traveling and hotel expenses of such Secretary shall be paid out of the fund created under the provisions of this Act.

To be allowed expenses.

Power to appoint clerical help.

SECTION 6. The Commission shall also have power to appoint, under salaries to be fixed by the Commission, such clerks, and stenographers as may be necessary properly to transact the business of the Commission.

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Per diem salary of members.

SECTION 7. The salary of each member of the Commission shall be Ten Dollars, ($10.00) per diem for each day necessarily engaged in the work of the Commission, together with all traveling and hotel expenses necessarily incurred, the same to be paid out of the fund created under the provisions of this Act.

Expenses of.

Term "public warehouse" includes, what.

SECTION 8. The term "Public Warehouse" includes any elevator, mill, warehouse or structure in which grain is received from the public for storage, shipment or handling, whenever such grain is carried or intended to be carried to or from such warehouse, elevator, mill or structure by common carrier.

General supervision.

SECTION 9. The Commission hereby created shall exercise general supervision over handling, weighing, inspecting and storage of grain, and the management of public warehouses.

Expert tester of scales; duties.

SECTION 10. The Commission shall employ an expert tester of scales, whose duty it shall be, under such rules and regulations as the Commission may prescribe, to test the scales within this state where grain is weighed at public warehouses, as defined by this Act. The person employed by the Commission as an expert tester of scales shall collect from each person, firm, co-partnership or corporation for each scale tested the sum of one dollar.

Fee for testing scales.

Chief inspector; appointment and qualifications.

SECTION 11. The Commission shall appoint a Chief Inspector, who shall be thoroughly familiar with the grains grown in Montana and shall be licensed by the United States Department of Agriculture. He shall, before entering upon the duties of his office, give a bond to the State of Montana, in the sum of $4,000.00, to be approved by the Chairman of the Commission, and conditioned upon the faithful discharge of his duties, and take the usual oath required of State officers. He shall receive such salary as the Commission may determine, not exceeding Two Hundred Dollars ($200.00) a month, and necessary traveling expenses, the same to be paid out of the fund created by this Act.

Official bond and oath of office.

Salary and expenses.

Appointment of deputy inspectors, samplers and weighers; qualifications.

SECTION 12. The Commission shall likewise appoint such number of deputies, inspectors, samplers and weighers as may be necessary to properly and thoroughly inspect and weigh grain, and such deputy inspectors shall be expert grain men and experienced in handling the same. All deputy inspectors, samplers and weighers shall be selected from persons who are capable of and who can qualify under the terms and in accordance with the United States Federal Grain Standards Act. Such appointees shall each give a surety bond in the sum of

Bonds of such appointees.

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$2,000.00, to be approved by the Chairman of the Commission, conditioned upon the faithful discharge of their respective duties, and their salaries, not to exceed One hundred twenty-five Dollars ($125.00) a month, and traveling expenses shall be provided for by the Commission and paid out of the fund created by this Act.

Salaries.

Cost of bonds to be paid out of what fund.

SECTION 13. The cost of all bonds required of any officer or employe under the provisions of this Act shall be paid out of the fund hereby created and any person injured by any official act or neglect of duty of any such officer or employe shall have a right of action upon such bond for the recovery of all damages suffered thereby.

Right of action on bond for damages.

Official bonds to be filed, where.

SECTION 14. All bonds required under the provisions of this Act shall be filed in the office of the Secretary of State after their approval by the Chairman of the Commission.

No appointee shall be interested in what businesses.

SECTION 15. No Chief Inspector, Deputy Inspector, Sampler or Weigher, shall, during his term of office, be interested, directly or indirectly, in the handling, storing, shipping, purchasing or selling of grain or grain products.

Neglect of duty; acceptance or offer of, bribe, a misdemeanor.

SECTION 16. Any inspector, sampler or weigher, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect, sample or weigh any grain, or who shall, directly or indirectly, accept any money or other consideration for any neglect of duty or any improper performance of duty as such inspector, sampler or weigher, or any person, persons, corporation or agent, who shall improperly influence, or attempt to improperly influence, any inspector, sampler or weigher in the performance of his duties, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $100.00 nor more than $500.00, or be imprisoned in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the Court.

Penalty to be imposed.

Inspection points may be designated.

SECTION 17. Such cities and towns where grain is received in carload lots may be designated by the Commission as inspection points and be provided with State inspection and weighing, provided that the expenditures for the inspection and weighing at the points designated by the Commission shall not exceed the receipts of fees at such place or places.

Limit of expenses at such points.

Removal of employees.

SECTION 18. The Chief Inspector, deputy inspectors, samplers and weighers shall be employes of the Commission and may be removed for cause at any time by the Commission.

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Power of commission to judge of the justice and reasonableness of charges by public warehousemen, and by order, fix the same.

SECTION 19. All charges made by any public warehouseman subject to the provisions of this Act for the handling or storage of grain shall be just, fair and reasonable, and the Commission is hereby vested with power and authority, upon the complaint of any person interested, or by inquiry upon its own motion, after a full hearing, to declare any existing charge for the handling or storage of grain, or any regulation whatsoever affecting such charge, or the receipt, handling or storage, to be unreasonable or unjust, and to declare and order what shall be a just and reasonable charge or regulation to be imposed or enforced in place of that found to be unreasonable or unjust.

Standard grades of grain to be fixed, when.

What grades for grain shall be adopted as state standard grades.

Other standards may be established, when and how.

SECTION 20. The Commission shall within ninety days after this Act becomes a law fix and establish standard grades to apply to all grain bought or handled by public warehouses in this State. The Commission shall adopt as state grade standards all grades for grain now or hereafter established by the United States Department of Agriculture. Standards for grain other than those fixed as above shall be established by the Commission after due notice and public hearing, notice thereof to be given by publication in three newspapers of the State, at least ten days prior to such hearing.

When grade standards shall become effective.

Grade standards or any alteration or modification of such standards which the Commission may establish shall not become effective within thirty days after publication, except in the case of grades established by the United States Department of Agriculture, which shall become effective ten days after publication.

Who may be heard as witnesses at hearing.

Fees and mileage of witnesses.

All interested persons desiring to be heard shall be permitted to give testimony and such other witnesses may be subpoenaed, as the Commission may deem necessary, which witnesses shall be entitled to the same fees and mileage as are provided for witnesses in civil actions and shall be paid out of the fund created by the provisions of this Act. Such grain standards shall not apply to grain contracted for previous to their disposition.

Standards not to apply to what contracts.

Commission shall issue reasonable rules and regulations for dockage of inferior grades, when.

The Commission shall, after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades and in all executory contracts thereafter entered into, provided that the same shall not conflict with the terms of the United States Federal Grain Standard Act where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall control the dockage insofar as the same affects the price to be

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paid, and such rules and regulations shall become part of the contract of sale. The Commission shall also make provision for sample inspection of grain; make rules and regulations governing same, and provide that such inspection when made shall be final.

Rules concerning sample inspections.

Establishment of cleaning apparatus and return of dockage to owner of grain delivered.

The Commission shall, have power to require, after personal notice of not less than thirty days served upon any warehouse man, and a public hearing, cleaning apparatus to be established where none now exists to remove dockage and the return of same to the owner, or its equivalent in value, less cleaning charges, which may be fixed by the Commission.

Appointment of deputy inspectors during marketing season.

The Commission shall, during the grain marketing season, appoint such deputy inspectors as they deem necessary to visit the grain growing districts for the purpose of investigating grain grading, dockage and weighing and enforcing the rules and regulations laid down by the Commission.

Chief inspector to furnish all public warehousemen with copies of grades, rules and regulations.

It shall be the duty of the chief grain inspector, immediately after the establishment of such grades, and the promulgation of rules and regulations fixing dockage, as herein provided, to supply all public warehousemen, which the records of his office show are then or thereafter

Warehousemen to keep such copies on file, when.

engaged in operating such warehouses, with a copy of such grades, rules and regulations. It shall be the duty of every public warehouse man to keep such copy on file in a convenient place in every such warehouse, and if an office is maintained in connection with such warehouse, a copy of such grades, rules and regulations shall be kept on file in such office, and a placard notice posted in a

Notice to be posted.

conspicuous place in every such warehouse and such office, reading as follows: "A copy of Montana grades, rules and regulations is on file here for information of interested parties."

Duty of warehouseman to permit examination of such copies by whom.

Every such warehouse man shall exhibit such copy of grades, rules ad regulations to any interested part applying therefor, at any such warehouse or office, and permit such interested party to examine and consult such copy.

Fixing fees for inspection and weighing; lien of

SECTION 21. The Commission shall fix the fees for inspection and weighing of grain and such fees shall be a lien upon such grain until paid.

Exclusive control of weighing and grading at inspection points in whom.

SECTION 22. The Chief Inspector, deputies and weighers shall, at places provided for said state inspection under the provisions of this Act, have exclusive control of the weighing and grading of grain which shall be inspected under the provisions of this act and the account

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and certificate of such inspectors and weighers in the discharge of their duties shall be conclusive upon all parties interested. Provided, however, an appeal may be taken to the Commission, whose decision shall be final. Suitable books and records shall be kept, in which shall be entered a faithful and true record of every carload of grain inspected or weighed by them and showing the number of and initial or other designation of the car containing such carload, its weight, the kind of grain, and its grade, and if graded below standard Number 1 grade, the reason for such grade, if of inferior grade, the amount of such dockage, the amount of fees and forfeitures and disposition of the same, and for each car of grain they shall give a certificate of inspection, showing the kind and grade of the same and the reason for all grades below Number 1, the amount to be allowed for dockage, if any. They shall also furnish the agent of the Railroad Company, or other carrier over which such commodity was shipped or carried, a certificate showing the weight thereof, if requested to do so. They shall also keep a true record of all appeals, decisions and a complete record of every official act, which books and records shall be open to inspection by any party in interest.

Official certificates of weighing and grading conclusive upon whom.

Appeals to commission.

Records of inspection and weighing to be kept.

Certificates for each car inspected.

Certificate of weight of car.

Other records.

SECTION 23. Upon written complaint filed with the Commission, charging an inspector, sampler or weigher with official misconduct, inefficiency, incompetency or neglect of duty, the Commission shall investigate such charges and if it be found sustained shall remove such officer.

Investigation of charges against inspector, sampler, or weigher.

SECTION 24. In case any owner, consignee, or shipper of grain or any warehouse man shall be aggrieved at the grading of such commodity, such aggrieved person may appeal to the Commission from such decision within ten days from the date of certificate by giving notice of appeal and paying a fee to be fixed by the Commission, which shall be refunded if the decision appealed from is sustained. Such notice of appeal may be given by letter or notice to the Commission, stating that such party appeals from the decision of the inspector and specifying the initials and numbers of the cars in which such grain was contained when inspected and graded.

Appeals to the commission may be taken, when, by whom and how.

Notice of appeal, contents and service.

The appellant shall also file with the Commission a list containing the names and addresses of all parties interested in the subject matter. It shall be the duty of the Commission upon receiving such notice and list of interested parties to immediately notify the parties interested of the time and place designated by it for a hearing and

Other proceedings and hearing on appeal.

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at such time and place, which shall be five days from the date of receiving such notice, hold a hearing and inquire into the reasonableness and correctness of such original grading and such evidence shall be received as parties thereto may desire to offer. After such hearing the Commission shall make such order affirming or modifying the grade so established by the inspector as the facts and evidence may justify.

Warehouseman making discriminating charges, giving rebates or otherwise discriminating against or in favor of any person, etc., shall be punished, how.

SECTION 25. If any public warehouse man subject to the provisions of this Act shall, directly or indirectly, by any special charge, rebate, drawback or other device, demand, collect or receive from any person, or persons, a greater or lesser compensation for any service rendered, or to be rendered, in the handling or storage of grain, than he demands, collects or receives from any other person or persons, for a like and contemporaneous service in the handling or storage of grain, under substantially similar circumstances or conditions, or if any such public warehouse man shall make or give any undue or unreasonable preference or advantage to any person, company or corporation, in any respect whatever, or shall subject any particular person, company, firm or corporation, to any undue or unreasonable prejudice or disadvantage, in any respect whatsoever, such warehouse man shall be subject to a penalty, as herein provided.

Warehouseman shall receive storable grain to the full capacity of warehouse, without discrimination.

Warehouse receipts shall issue to whom and when.

SECTION 26. Every public warehouse man shall receive for storage and shipment, so far as the capacity of his warehouse will permit, all grain in warehouse use for this purpose, in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. A warehouse receipt in form prescribed by law and the rules and regulations of this Commission, shall be issued and delivered to the owner, or his representative, immediately upon receipt of such load or parcel of grain.

Grain deliverable upon return of warehouse receipts within what time.

May return equivalent market value less freight to terminal.

SECTION 27. Upon the return of the receipt to the proper warehouse man, properly endorsed, and upon payment or tender of all advances and legal charges, grain of the grade and quantity named therein shall be delivered to the holder of such receipt within forty-eight hours after the facilities for receiving the same have been provided, or such warehouse man shall deliver such grain at terminal, or the equivalent market value thereof on said date, less any freight charges to terminal, and such other charges and commissions as may be allowed by the Commission.

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Instructions regarding shipment to be given to warehouseman.

Owners of warehouse receipts surrendered for shipment shall furnish the warehouse man with written instructions regarding the capacity of cars to be ordered from the Transportation Company and as to the manner of loading and billing shipments made in such cars as are furnished by the Transportation Company. The warehouse man shall load and bill all such shipments in exact accordance with instructions given and shall be liable to the owner of the warehouse receipt so surrendered for the amount of any excess freight paid, or for other damages suffered by the owner of the ware house receipt, resulting from the failure of the warehouse man to follow accurately the loading and billing instructions as given him.

Duty of warehouseman in making shipments.

Liability to owner of surrendered receipts.

Warehouse receipts shall not be issued except upon receipt of grain.

SECTION 28. It shall be unlawful for any public grain warehause man to issue a receipt for grain except on the actual delivery of the grain into the warehouse or to issue a warehouse receipt for a greater amount of grain than that actually received.

Penalty for violation of section.

Any person violating any of the provisions of this section and any grain inspector knowingly permitting any grain to be delivered contrary to the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined no less than $100.00 nor more than $500.00, or imprisoned in the county jail not less than thirty days nor more than six months.

Annual June reports to be made by licensed warehouseman.

SECTION 29. On June 30th of each year every warehouse man shall make report, under oath, to the Commission, on blanks or forms prepared by it, showing the total weight of each kind of grain received and shipped from such warehouse licensed under this Act, and also the amount of outstanding storage receipts on said date and a statement of the amount of grain on hand to cover the same.

Special reports may be required.

Inspection of warehouse, books, records, etc., may be made, when.

The Commission may also require special reports from such warehouse men at such times as the Commission may deem expedient. The Commission may cause every warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members or by its authorized agent whenever deemed proper to, books, records, accounts, papers and proceedings of every such warehouse man shall at all times during business hours be subject to such inspection. Each person, firm, corporation or association or persons operating any public warehouse or warehouses subject to the provisions of this act, and every track buyer, dealer, broker, or commission man, or person or association of persons, mer-

Bonds of public warehouseman, track buyers, dealers, brokers, commission men, or parties merchandising in grain to be given annually, when.

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chandising in grain, shall, on or before the first day of July of each year, give a bond with good sufficient securities, to be approved by the Chairman of the Commission to the State of Montana, in such sum as the Commission may require, conditioned upon the faithful performance of the acts and duties enjoined upon them by law.

License and fee.

WHEREUPON, upon the payment to the State Treasurer of a fee of $15.00, the Commission shall issue a license to the payer to engage in grain merchandising within the State of Montana for the period of one year, beginning on the first day of July of each year.

Inspection of grain at non-inspection points.

SECTION 30. In case grain is sold for delivery on Montana grade to be shipped from places not provided with state inspection under this Act, the buyer, seller or person making the delivery may have it inspected out by notifying the Chief Inspector or a deputy inspector, whose duty it shall be to have such grain inspected, and after it is inspected, to issue to the buyer, seller or person delivering it on request, an inspectors' certificate showing the grade of such grain. The person, or persons, calling for such inspection shall pay for the same a reasonable fee, to be fixed by the Commission.

Fees to be paid.

Inspection may be made at such places at whose request.

Grain that is shipped to points within the state where no inspection is maintained may be inspected on request of either the buyer of seller, and a certificate may be issued showing the grade of such grain. The charge for such service shall at least equal the entire cost thereof and shall be paid by the party calling for the same.

Charges shall not be less than actual cost.

Samples may be drawn from what grain.

SECTION 31. From all grain shipped to terminal warehouses and from all grain inspected or weighed samples may be drawn, which samples shall become the property of the State and subject to disposition by the Commission, under such rules and regulations as the Commission may prescribe.

Samples to be property of state.

Samples of standard grades adopted to be transmitted to whom.

It shall be the duty of the Chief Inspector to transmit samples of grain showing the standards thereof adopted to such Chambers of Commerce, Boards of Trade, exporters and persons, firms, corporations or associations handling and dealing in grain, as the Commission may designate and upon request he shall furnish such samples to smaller parties in this State or the United States, under such reasonable rules and regulations as the Commission may prescribe.

Condition of car to be ascertained before being opened.

SECTION 32. The Chief Inspector or any deputy inspector, sampler or weigher serving under him, before opening the doors of any car containing grain upon arrival at any of the places designated by the Commission

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for inspection, shall first ascertain the condition of such cars and determine whether any leakages have occurred while said cars were in transit, whether or not the doors were properly secured and sealed at point of shipment and shall make a record of such facts in all cases, giving seal numbers.

Car to be sealed after examination.

After such examinations have been made, the state officials shall securely close and reseal such doors as have been opened by them, using the special seal of the Commission for the purpose.

Records of seals and their numbers.

A record of all original seals broken by said officials and the date when broken and also a record number of said seals shall be made by them. The Chief Inspector, Deputy Inspectors, weighers or samplers shall break the seal, weigh and superintend the unloading of all cars of grain subject to inspection, and it shall be unlawful for any other person, or persons to break the seal or weigh such cars of grain.

Car seals can only be broken by proper officers, for what purposes.

License required of all weighers of grain.

Said Commission shall have power to require all persons, firms, corporations or warehouse men engaged in weighing grain within the State of Montana to obtain a license and prescribe rules and regulations governing the application for and the issuance of such licenses, but no fee shall be charged therefor and any person, firm, corporation or warehouse man, who shall weigh any grain without first having obtained said license shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $25.00 nor more than $200.00.

No fee for license for weighing.

Penalty for weighing without license.

Fees and charges collected to be placed in the Grain Grading, Inspection and Warehouse Commission Fund.

All fees, licenses and other charges collected under the provisions of this Act shall be by the person collecting the same paid to the State Treasurer of the State of Montana and by said Treasurer placed in a separate fund to be known as the Grain Grading Inspection and Warehousing Commission Fund, from which fund all expenses incurred by the Commission, its agents, officers or employes hereunder shall be paid except as herein provided.

Expenses to be paid out of said fund.

SECTION 33. All Acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause

SECTION 34. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1919.

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CHAPTER 210.

"An Act to Amend Sections 30, 31 and 36 of Chapter 173 of the Session Laws of the Fifteenth Legislative Assembly Relating to the Open Season for Killing Elk, and the Counties and Territories Wherein it Shall Be Unlawful to Shoot or Kill Elk or Running With Dogs any Elk, Deer, Moose, Caribou, Antelope, Mountain Sheep or Mountain Goat and Prescribing Penalties Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 30 of Chapter 173, of the Laws of the Fifteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Open season for elk.

"Seection 30. If any person who, between the first day of December, and the fifteenth day of October, of the following year, wilfully shoots, wounds or kills or causes to be shot, wounded or killed any elk, or who wilfully

Leaving portion of carcass.

leaves that portion of elk suitable for food after removing the head or teeth thereof, or who, in the open season

Killing more than one elk punishable as felony.

shall shoot, wound or kill or cause to be shot or killed more than one elk, shall be guilty of a felony and punished, accordingly, provided, however, that in the counties

Closed season in counties enumerated begins December 25th.

of Beaverhead, Madison, Gallatin, Park, Sweet Grass, Stillwater, Big Horn, and Carbon, also all that portion of Gallatin County lying North of the Forty-sixth Parallel, and all that part of Beaverhead County west of the Oregon Short Line Railroad, the closed season for elk, provided in this section, shall begin on December twenty-fifth instead of December first, and provided

Closed season in other counties named begins October 25th.

further, that in the Counties of Fergus, Wheatland, Mineral, Granite and Ravalli and all that portion of Powell County South of the North Fork of the Big Blackfoot River, and all that portion of Lewis and Clark County lying north of the North fork of the Dearborn River, not now included within a State Game Preserve, the closed season for elk provided for in this section, shall begin on the twenty-fifth day of October, instead of on

Special permit to kill more than one elk in Park and Gallatin counties.

December 1st. Provided, further, however, that upon application to the State Game Warden a special permit may be granted to kill not more than two elk, in the counties of Park and Gallatin, and the license therefor

License for permit.

shall be Twenty-five Dollars ($25) in addition to the license as provided in this Act.

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Law amended.

Section 2. That Section 31 of Chapter 173 of the Session Laws of the Fifteenth Legislative Assembly be and the same is hereby amended to read as follows:

Shooting or killing elk upon designated "Preserves for Elk."

"Section 31. It shall hereafter be unlawful to hunt, for, shoot, or kill, or cause to be shot or killed, any elk within the limits of the counties and territories hereinafter described, and which are designated hereby as "Preserves for Elk," the same to remain closed until thrown open by authority of law, to-wit:

Counties and territory comprising "Preserves for Elk."

The following named Counties as a whole: Jefferson, Silver Bow, Deer Lodge, Broadwater, Cascade, Musselshell, Meagher, Chouteau, Hill, Blaine, Valley, Sheridan, Yellowstone, Big Horn, Custer, Fallon, Phillips, Prairie, Wibaux, Rosebud, Dawson, Richland, Sanders, Toole, Garfield, Treasure and Carter, and in counties which may be created from any portion thereof. The following named districts shall also remain closed until thrown open: All Missoula County except that portion drained by the waters of the Big Fork of the Flathead River, and also that portion of said county lying east of Belmont Creek from its source north of the Big Blackfoot River and east of the confluence of the said Belmont Creek with the Big Blackfoot River at the West end of Nine Mile Prairie; and also that portion of Missoula County drained by the streams flowing into the Swan Lake; also all that portion of the counties of Granite and Missoula bounded upon the east by a north and south line running through Nimrod, a station on the main line of the C. M. & St. P. R. R., and bounded upon the north by a line parallel to the Hell Gate River and distant therefrom at all points ten miles north; and bounded upon the south by a line parrellel to the Hell Gate River, and distant from all points ten miles south—said preserve comprising an area of fifteen miles east and west by twenty miles north and south. Also all of Lewis and Clark County shall remain closed until thrown open by authority of law, except that portion described in Section 30 as amended by this Act. Any person found guilty of violating any of the provisions of this Section, shall be guilty of the commission of a felony and shall be punished accordingly.

Law amended.

Section 3. That Section 36 of Chapter 173 of the Session Laws of the Fifteenth Legislative Assembly be, and the same is, hereby amended to read as follows:

Hunting, chasing or running deer and other game with dogs.

"Section 36. Any person who hunts, chases or runs with dogs any deer, elk, moose, buffalo, caribou, ante-

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lope, mountain sheep or mountain goat shall be guilty of a misdemeanor."

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect on and after the first day of May, 1919.

Approved March 13, 1919.

CHAPTER 211.

"An Act to Provide for the Creation of a Rural School District in each County, composed of all Third Class Districts and parts thereof as a unit for the purposes of taxation and issuance of bonds; providing for the creation of subdistricts of rural districts for the purpose of local administration and control; providing for Boards of Trustees for Rural School Districts and prescribing the manner of election, number, terms, powers, and duties of said Boards of Trustees; providing for the taking over of funds, property and indebtedness of Third Class Districts by the Rural School Districts; providing for the assumption and payment of all indebtedness of Third Class Districts by the Rural School Districts; providing for bonding of Rural School Districts; and providing the manner of acceptance of the provisions of this Act by the people of the several counties. Providing for the creation of Second Class Districts from the territory of the Rural School District; providing for traveling expenses, salary, organization and time of meetings of Board of Trustees of the Rural School District."

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of terms.

Section 1. The following terms shall be construed to mean:

"Rural school district."

(a) The "Rural School District" shall mean the territory obtained by the uniting of all third class districts and parts of first or second class districts as are not contiguous to main body of such districts.

"Sub-division."

(b) "Sub-division" shall mean one of the five parts into which the "Rural School District" is divided for purposes of election of trustees.

"Sub-district."

(c) "Sub-district" shall mean the local third class district as constituted by Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly.

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Formation of rural school districts.

Section 2. In any county of Montana, which shall elect to accept the provisions of this act, all school districts and parts of school districts of the third class and minor portions of any district of the first and second class which are not contiguous to the main body of such districts, as herein provided, shall for the purpose set forth in this act, from and after the first day of July next following the acceptance of this Act, together constitute a single district to be known as the "Rural School District" of the county in which it is situated. Such Rural School District shall be a unit for the purpose of taxation and issuance of bonds and such other purposes as are hereinafter provided, and shall be divided into sub-divisions for the selection of trustees and consist of sub-districts for the purposes of local management, local control, and custody of property. The boundaries of the sub-divisions shall be determined by the Board of County Commissioners who shall divide that portion of the county to be included in the Rural School District of the county, into five parts, which shall be known as sub-divisions, each having as near as may be one-fifth of the total area of the Rural School District, and making the boundaries of these parts coincide with the boundaries of the sub-districts. All portions of first and second class districts, which become a part of the Rural School District as herein provided, shall be attached to adjacent sub-districts in the manner provided by law.

Such districts shall be a unit for purposes of taxation and bond issues.

Sub-divisions and sub-districts.

Boundaries of sub-divisions, how determined.

Attachment of territory to adjacent sub-districts.

County unit system.

Section 3. Any county in the State may adopt the county unit system for rural schools provided in the succeeding sections of this Act, on the conditions hereinafter prescribed, as follows:

Petition for adoption of county unit system.

Whenever, between the first day of January and the first day of May in any year, three hundred electors residing in third class school districts of any county shall petition the Board of County Commissioners requesting that the county unit system for rural schools be established in such county, the County Commissioners shall call an election to be held in all third class districts of the county and minor portions of districts of the first and second class which are not contiguous to the main body of such districts, within ninety days, and in any event not later than the tenth day of June following. The County Commissioners shall appoint precinct judges and clerks, and the election shall be conducted in accordance with the general election law of the state, and the judges and clerks of such election shall serve without compensation. The place of election in each precinct shall be

Duty of county commissioners to call election, when.

Appointment of judges and clerks.

Place of election.

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Who entitled to vote.

the established polling place in each precinct. All registered electors residing in the proposed rural school district and whose names appear upon the registration books of the county upon the day of calling such election, shall be entitled to vote upon such election. The polling books of any precinct shall not contain the names of any registered electors residing in the main portion of any district of the first and second class. The county clerk shall give twenty days' notice of such election by publication in the official paper of the county that the question of adopting the county unit system for rural schools will be submitted to the qualified electors in all third class districts of the county and in minor portions of districts of the first and second class which are not contiguous to the main body of such districts, at the time designated. It shall not be necessary to give notice of closing the registration books of the county in elections held pursuant to the provisions of this Act. But the registration books of the county for such election shall automatically close upon the day of calling such election. The qualified electors of the proposed rural school district shall vote by ballot for or against the adoption of the county unit system for rural schools. An elector desiring to vote for such adoption shall do so by marking (X) on his ballot before the phrase, "For the County Unit;" an elector desiring to vote against such adoption shall do so by marking (X) on his ballot before the phrase, "Against the County Unit."

Polling books.

Notice of election.

Closing registration books.

Marking of ballots.

Canvass of vote.

After the election the ballots shall be counted and the votes canvassed in the manner prescribed in the general election laws, and if a majority of the votes cast at the election is in favor of the county unit, the board of county commissioners shall make and enter an order creating such rural school district and establish the boundaries of each sub-division and this Act shall become effective in so far as the county is concerned.

Order creating district.

When subsequent election may be held.

If a majority of the votes cast at such election is against organization of the rural school district, another election upon the question of organizing a rural school district can not be held until after the expiration of two years.

Appointment of board of trustees.

As soon as the Board of County Commissioners has for the first time established the boundaries of the subdivisions as hereinbefore provided, the said Board of County Commissioners shall thereupon appoint one elector from among the residents of each of the five sub-divisions of the Rural School District to constitute a Board

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of Trustees for the Rural School District of the county. Of these five trustees so appointed two shall serve until the first regular school election after their appointment, two until the second regular school election after their appointment, and one until the third regular election after his appointment, the terms of trustees so appointed to be determined by lot.

Term of office of trustees.

Section 4. 1. These trustees shall be electors of sub-division of the Rural School District of the county in which they are to serve. Except as hereinbefore provided such trustees shall be elected at the annual school election and shall serve for three years and until their successors are elected or appointed and qualify.

Qualifications and election of trustees.

2. On or before fifteen days prior to the annual school election, there may be filed with the Secretary of the board of trustees of the Rural School District, petitions signed by at least twenty-five qualified electors of each sub-division of the rural school district in which the term of a trustee is about to expire, nominating candidates for trustees to be voted for at the ensuing election, and if any trustees are to be elected to complete unexpired terms, as hereinafter provided, such petition shall state whether the persons nominated therein are nominated for such unexpired terms or for full terms of three years. The board of trustees shall cause the names of all candidates for trustees of the Rural School District to be printed and sent to the clerk of each sub-district of the part in which a trustee is to be elected, to be posted at each polling place at least five days preceding the election. The election of school trustees shall be held and conducted under the supervision of the trustees of the local sub-district, who shall not less than fifteen days before the annual election post notices in three public places in their sub-districts, which notices must specify the time and place of election and hours during which the polls will be open. The local trustees must appoint, by an order entered in their records, three qualified electors of said sub-districts to act as judges at said election, and the local clerk shall notify them by mail of their appointment. If the judges are not present at the time of opening the polls, the electors present may appoint judges, and the judges so appointed shall designate one of their number to act as clerk. The voting must be by ballot without reference to the general election laws in regard to nominations, forms of ballots, or manner of voting, and the polls shall be open for such time as the board of trustees may order; Provided, that such polls must be

Petitions for nomination of trustees.

Printing and posting names of candidates.

Conduct and notices of election.

Appointment of judges of election.

Appointment of substitute judges.

Voting, how conducted.

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Canvass and return of votes.

open between Two P. M. and Six P. M. It shall be the duty of the judges of the election to canvass the votes cast in their respective sub-districts for trustees, and make returns of the same to the county clerk in the manner and form as may be prescribed by the general election law of the State in so far as the same may be applicable to school elections. The returns shall be canvassed and the result declared by the county commissioners and certificates of election issued by the county clerk in the same manner as may be prescribed by the general election laws of the State is so far as the same may be applicable thereto; Provided that in the election of said board of trustees the votes cast in each of the five sub-divisions of the Rural School District, as provided in Section Six of this Act, shall be canvassed separately and the candidate receiving the largest number of votes in any one sub-division shall be elected as the trustee for such sub-division; Provided further that no one shall be eligible as trustee who is not at the time of his election or appointment a bona fide resident and elector of the sub-division of the Rural School District for which he is elected.

Declaration of result.

Separate canvass of votes of sub-divisions.

Candidates must be bona fide residents and electors of sub-division.

Oath of trustees.

3. Persons elected or appointed as trustees shall qualify by taking an oath to perform their duties according to law. Their oaths may be administered by the county superintendent or any other officer authorized by law to administer oaths, and must be filed with the clerk of the board of trustees within fifteen days after the election or appointment, and said duly elected trustee shall begin their term of service on the third Saturday in April next following their election. The Board of County Commissioners shall appoint trustees to fill vacancies in the board of Rural School District trustees; Provided, that such appointment is confirmed by the majority of the remaining members of such board. Trustees so appointed shall serve till the next regular school election, at which election successors shall be elected to serve for the unexpired balance of the term if any.

Where filed.

Commencement of term.

Vacancies, how filled.

Powers and duties of board of trustees of rural and sub-districts.

Section 5. The board of trustees of every Rural School District shall have only the powers and shall perform only the duties enumerated in this act. The Board of trustees of each sub-district of the rural school district shall have all the powers and perform all the duties imposed upon trustees of school districts according to the provisions of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly and acts amendatory

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thereof and supplementary thereto, except, as modified by the terms of this Act.

Budget of sub-district.

The board of trustees of each sub-district of the rural school district shall on or before the regular annual meeting of the board of trustees of the Rural School District held on the first Thursday in July, prepare and certify to the board of trustees of the Rural School District, a budget containing an estimate of all the different items of expenditures for operation and maintenance to be incurred by such sub-districts for the ensuing school year. Such budget shall explain in detail the several items of estimated expenditures, together with an explanation of the necessity therefor. Such budget shall also be accompanied by a full and complete report of the school facilities of the sub-district and of the educational opportunities afforded to each child in such sub-district.

Budgetary requirements.

Special tax for extraordinary and other expenditures.

For any extraordinary expenditure or expenditures for any purpose other than operation and maintenance to be incurred by a sub-district, not included in the budget for such sub-district as adopted by the board of trustees of the rural school district, the board of trustees of such sub-district may cause to be levied upon the property in the sub-district a special tax pursuant to the provisions of Section 2002 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly and acts amendatory thereof.

Budget of rural district.

The board of trustees of the rural school district shall at its regular annual meeting on the first Thursday in July, examine the budgets certified to it by the trustees of the several sub-districts, and from such budgets shall prepare a complete budget for the Rural School District, which shall provide for the furnishing of reasonable educational facilities to every child in the rural school district, including the payment of the board or rent or both, and transportation of children from isolated sections, in cases where the same is more expedient than maintaining a school in such isolated sections, and also including any other reasonable item of expediture not herein enumerated, and necessary for carrying out the provisions of this Act. Such budget shall contain the detailed estimated expenditures for each sub-district.

Contents of budget.

Certification of amount of tax levy.

The board of trustees of the rural school district shall on or before the first Monday in August in each year certify to the board of county commissioners the total amount of money to be raised by taxation for the rural school district pursuant to the budget adopted by the

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board, and the board of county commissioners shall cause to be levied at the time of the levy of taxes for state and county purposes, a sufficient levy upon all of the taxable property within the rural school district, a tax sufficient to raise the amount of money so certified by the board of trustees of the rural school district, after allowing a deduction of ten per cent on account of delinquencies. The board of trustees of the rural school district shall at its regular meeting held on the second Thursday in December, apportion to the several sub-districts their proportionate part of the taxes then collected, such proportionate part to be determined in accordance with the budget as above mentioned.

Levy and amount of taxes.

Apportionment of proceeds among sub-districts.

Coupon bonds may be issued by rural districts, when.

Submission of question to electors.

Notices of election.

Posting of notices.

Form of ballots and canvass of returns.

Law governing bond issue.

County superintendent ex officio secretary of board.

The board of trustees of any rural school district is hereby vested with the power and authority to issue and negotiate on the credit of the rural school district, coupon bonds for any one or more of the purposes authorized in Section 2015 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly and acts amendatory thereof and supplementary thereto. The question of such bond issues shall be submitted to the electors of the rural school district in the same manner provided by said Chapter 76. The clerk of the board of trustees of the rural school district upon the passing of the resolution by the board submitting to the electors of the rural school district the question of the issuance of bonds, shall furnish the clerk of each sub-district with three copies of the notice of election of such bond issue. The clerk of each sub-district shall not less than fifteen days before the date specified in such notices for such election, post notices in three public places in said district, one of which shall be at the place of election designated in such notice. The ballots shall be substantially in the form provided in Section 2016 of said Chapter 76 and the votes shall be canvassed by the trustees in each sub-district who shall certify the result of the election in each sub-district to the secretary of the board of trustees of the rural school district. If a majority of the votes cast in such rural school district are in favor of the isssuance of bonds the board of trustees shall thereupon proceed to issue and sell the bonds in accordance with the provisions of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly. The County Superintendent of Schools shall be ex-officio secretary of the board, and it shall be his duty to enforce the rules, regulations and orders of the board, but shall not be entitled to vote.

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Maintenance of sinking fund of third-class districts.

Section 6. 1. All maintenance money or sinking funds on hand as a surplus or credit to the various third class districts in any county prior to and on July 1, of the year in which the provisions of this Act shall be accepted, in such county, as hereinabove provided, shall become a part of the corresponding maintenance or sinking funds of the Rural School District of the county.

Assumption of indebtedness by rural school districts.

2. All the existing indebtedness of the various third class districts in any county prior to and on July 1, of such year, whether for maintenance or bonded indebtedness or otherwise, shall become the indebtedness of, and shall be assumed and paid by the Rural School District of that county, such payments being made from the corresponding respective and proper funds. Said board of trustees in the Rural School Districts is authorized and empowered to issue bonds of the Rural School District to take up and cancel such bonded indebtedness.

Bond issue to cancel indebtedness.

Creation of second-class districts.

Section 7. 1 Second class districts may be created from the territory embraced in any Rural School District, within the discretion of the board of trustees of such Rural School District; Provided, that such proposed district has an assessed valuation of not less than Six Hundred Thousand Dollars (600,000.00). Such district shall be created only upon the petition of one hundred qualified electors residing in the proposed district, setting forth in the petition the assessed valuation and the boundaries of the proposed district. In the event of the creation of such district, the County Superintendent of Schools shall, upon notice received from the board of trustees of the Rural School District, appoint five trustees for the newly created district, who shall serve until the next regular election.

Assessed valuation of proposed district.

Petition for creation of district.

Appointment of trustees for new district.

Ownership of school property.

2. All school property situated in the new district shall become the property of the new district, and the remainder of the property of the Rural School District shall continue to be the property of the Rural School District.

Apportionment of indebtedness between districts.

3. If, at the time such new district is created, there is any indebtedness against the Rural School District, then the Board of County Commissioners of the county in which such districts are located shall, at its first regular meeting after the order creating said new district is made, apportion such indebtedness between said districts, by first deducting from said indebtedness the amount of all moneys in the treasury belonging to the sinking fund of said Rural School District, and then apportioning the remainder of the indebtedness between the respec-

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tive districts in proportion to the value of the school property remaining in the Rural School District to the value of the school proper in the new district. Upon the adjustment of such indebtedness, it shall be the duty of the board of trustees of such new district to cause to be made out, issued and delivered to the trustees of such Rural School District warrants equal to the amount of such indebtedness apportioned to such new district, which warrants, upon presentation, shall be endorsed by the treasurer of the county, "Not paid for want of funds" and shall thereafter draw interest at the rate of six per cent per annum until such time as funds may be available for their payment.

Warrants for amount of indebtedness.

Tax levy to pay interest on warrants.

4. Until said warrants are paid, it shall be the duty of the Board of County Commissioners of said county to levy annually a tax upon the taxable property of such new school district sufficient to pay the interest on said warrants, and the money realized from the levy of such taxes shall be, by the county treasurer, kept in a special fund to be used solely for the purpose of paying the interest and principal of said warrants.

Trustees of new district may issue coupon bonds.

5. The school trustees of such new district shall have, and are hereby given the power and authority to issue on the credit of their district, coupon bonds and to sell and dispose of the same for the purpose of providing the necessary funds to pay such warrants. Such bonds shall be issued and disposed of upon condition and in the manner provided in Section 2030 of Chapter 76 of the Session Laws of 1913, except that said bonds shall recite in the body of such bond that, "This bond is issued for the purpose of providing funds to pay outstanding warrants."

Law governing bond issue.

Annual meeting of trustees of rural district.

Section 8. The regular annual meeting of the Board of Trustees of the Rural School District shall be held on the first Thursday in July. At this meeting new members elected shall take office; a president shall be elected for the ensuing year by the board, from among its own membership and the executive officers of the board shall make their annual reports. Another regular meeeting shall be held on the second Thursday in December and special meetings may be called by the president, or by three other members of the board. Each member of the Board of Trustees of the Rural School District shall be paid his necessary traveling expenses in attending regular meetings, but not to exceed two special meetings, and an honorarium of fifty dollars per year. Failure to attend two regular meetings in succession, unless ex-

Business of meeting.

Another regular and special meeting may be called, when.

Traveling expenses of members.

Failure to attend meetings.

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cused on account of sickness shall work a forfeiture of the office.

Dissolution of rural school districts, how effected.

Section 9. A rural school district organized under the provisions of this act may be dissolved after the expiration of four years from the date of its orgaization, in the following manner, to-wit:

Petition for dissolution.

Whenever, between the first day of January and the first day of March in any year, three hundred registered electors in a rural school district shall petition the board of trustees of the rural school district requesting the dissolution of such school district, the board of trustees of the rural school district shall submit the question of such dissolution to the electors at the annual school election. Notices of election shall be posted in the same manner as for the election of trustees in the sub-districts and the election shall be conducted and the votes canvassed in the manner provided in the election of school trustees. If a majority of votes cast at such election shall be in favor of the dissolution of the rural school district, the board of trustees of the rural school district shall make an order to that effect and certify the same to the board of county commissioners and on and after July first the Rural School District shall be dissolved and the several sub-districts shall thereupon become school districts of the third class. The board of county commissioners shall distribute funds of the rural school district and apportion the indebtedness of the rural school district in the following manner. Each school district (formerly a sub-district) shall thereupon become the owner of the property of the Rural School District located within its boundaries. The county commissioners shall apportion to each school district that portion of the funds of the Rural School District other than sinking funds, which is in proportion to the number of school census children within the school district. The county commissioners of the county shall continue to levy the taxes upon all the property located within the territory which formerly constituted the Rural School District, until the interest and the principal of all bonds issued by the Rural School District shall have been paid in full.

Notices of election to be posted.

Order of dissolution.

Effect of order.

Apportionment of indebtedness of rural district.

Continuance of tax levy.

Repealing clause.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 13, 1919.

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CHAPTER 212.

"An Act to Amend Section 12 of Chapter 148 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, the Same Being an Act Entitled: 'An Act to Create and Establish the Office of State Fire Marshall, to Provide for His Appointment, Fixing His Salary, and Defining His Duties; and Defining the Duties and Powers of Certain Other Officials in Relation Thereto;' and to Amend Section 16 of Said Chapter 148, as Amended by Section 2 of Chapter 95 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, Relating to the Taking of Testimony Before the Said Fire Marshal or Deputy State Fire Marshal, and Providing That Buildings or Structures in Certain Conditions Shall Be Considered a Nuisance and Providing for the Removal of the Same."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 12 of Chapter 148 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Duties of State Fire Marshal and deputies in cases of violation of Act.

"Section 12. If the State Fire Marshal or a deputy Fire Marshal shall be notified by any officer or other persons, or shall have knowledge of any violation of any of the provision of this Act, or of the laws of this State relating to fires, it shall be his duty forthwith diligently to inquire into the facts of such violation, and for that purpose he is hereby authorized to

Power to subpoena witnesses.

cause subpoenas to be issued for such persons as he shall have reason to believe have any information concerning, or knowledge of such violation, to appear before a Justice of the Peace at the time and place to be designated in the subpoena, then and there to testify concerning any violation of any of the provisions of such laws; and for that

Proceedings in justice court to secure attendance of witnesses.

purpose the said State Fire Marshal or Deputy Fire Marshal may file with some justice of the peace a written statement signed by said State Fire Marshal or Deputy State Fire Marshal, alleging any violation of the laws of this state relating to fires, or any of the provisions of this act, and said Justice of the Peace shall then, upon the written praecipe of the State Fire Marshal or Deputy State Fire Marshal, issue subpoena for the wit-

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ness named in said praecipe, commanding such witness to be and appear before such Justice of the Peace at the time designated in such subpoena, to testify concerning any violation of the provisions of said laws. Such subpoenas may be served by the sheriff or any constable of the county, or by any other person who is a citizen of the county, and shall be served and returned to such State Fire Marshal or a deputy State Fire Marshal, or a Justice of the Peace in the same manner that subpoenas are served and returned when issued by Justices of the Peace. Each witness shall be sworn to make true answers to all questions propounded to him touching the matters under investigation and the testimony of each witness shall be reduced to writing and signed by the witness. For the purpose of this Act, the State Fire Marshal or a deputy State Fire Marshal shall have authority to administer an oath to any person appearing as a witness as above provided. False swearing in such a matter or proceeding shall be perjury and punished as such. Any disobedience to such subpoena or any refusal to be sworn as a witness, or to sign the testimony given by such witness, or any refusal to answer any proper question propounded to him shall be a misdemeanor, and any person convicted thereof shall be punished by a fine of not more than One Hundred Dollars ($100.00) or by imprisonmenet in the County Jail for not more than 90 days, or by both such fine and imprisonment.

Service and return of subpoenas.

Testimony to be under oath and reduced to writing.

Authority to administer oaths.

False swearing.

Contumacy of witness punishable as a misdemeanor

Justices of the Peace, when acting under the provisions of this act shall have power to adjourn such proceedings from time to time, and to punish any witness for contempt for, or on account of his refusal to be sworn or to answer questions as a witness, or to sign his testimony; and the attendance of witnesses may be by such justice of the peace compelled by attachment. If the testimony so taken shall disclose the fact that an offense has been committed, the county attorney of the county in which said offense was committed shall prosecute the person or persons committing such offense in the same manner as in other criminal cases."

Powers of justices of the peace.

Duty of county attorney to prosecute, when.

Section 2. That Section 16 of Chapter 148 of the Session Laws of the Twelfth Legislative Assembly as amended by Section 2 of Chapter 95 of the Session Laws of the Thirteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Law amended.

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Certain buildings declared to be a public nuisance.

"Section 16. Any building or other structure, which for want of proper repair, by reason or age, dilapidated condition, defective or poorly installed wiring and equipment, defective chimneys, defective gas connections, defective heating apparatus, or for any other cause or reason is especially liable to fire,, and which building or other structure is so situated as to endanger other buildings and property, is hereby declared to be a public nuisance.

Demolition of certain buildings may be ordered, when.

If the State Fire Marshal, a Deputy State Fire Marshal, or any officer mentioned in the preceding section, upon an examination or inspection finds that a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electric wiring and equipment, defective chimneys, defective gas connections, defective heating apparatus, or for any other cause or reason is especially liable to fire and which building or other structure is so situated as to endanger other buildings or property, such officer shall order such building or buildings to be repaired, torn down or demolished, materials removed and all dangerous conditions remedied.

Removal of dangerous materials from building.

If such officer finds in a building, or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable conditions of any kind dangerous to the safety of such buildings or premises, buildings or property, he shall order such materials removed or conditions remedied.

Service of order for removal.

Such order shall be made against and served personally or by registered letter upon the owner, lessee, agent or occupant of such building or premises, and thereupon such order shall be complied with by the owner, lessee, agent, or occupant and within the time fixed in said order.

Suit to compel compliance with order of marshal and deputies.

In case any such owner, lessee, agent or occupant shall neglect or refuse to obey any order mentioned in this section, within the time specified in such order, the State Fire Marshal or a Deputy State Fire Marshal may maintain an action in the district court of the county in which such building or property is located, for the purpose of procuring an order of court that such building or other structure is a public nuisance and an order that such building or structure be repaired, torn down, or demolished, and that all such dangerous conditions be remedied.

Order to show cause.

Upon the filing of the complaint in such a proceeding in the district court, the judge thereof shall issue an order to show cause, directed to such owner, lessee, agent, or occupant, requiring him to be and appear before such court at the time and place therein

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specified, not less than five nor more than ten days from the date of such order, then and there to show cause why such building or structure should not be repaired, torn down, or demolished and all dangerous conditions removed. And upon the hearing by the court if it shall be shown that such building or other structure is especially liable to fire, and is so situated as to endanger other buildings or property, and that such dangerous conditions should be remedied, the court shall make a summary order directing that such building or structure be repaired, torn down or demolished and that such dangerous conditions be remedied. Such order shall specify a reasonable time within which such owner, lessee, agent or occupant shall comply. Any failure to obey any such order of court shall be punished as a contempt. In case such order of court is not complied with in the time specified, the State Fire Marshal or Deputy State Fire Marshal may, upon order of the Court, repair, tear down or demolish such buildings or other structure and remedy all dangerous conditions at the expense of such owner, lessee, agent or occupant."

Summary order of court may be made, when.

Reasonable time for compliance.

Failure to comply with order.

Power of officials in such case.

Section 3. All Acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1919.

CHAPTER 213.

"An Act Requiring the Erection of Fire Escapes on Certain Buildings, Prescribing Rules and Regulations Governing Same: Empowering the State Fire Marshal to Enforce This Act and to Prescribe Specifications for the Construction of Fire Escapes; Prescribing the Procedure to Compel the Erection of Fire Escapes and Defining Adequate Fire Escapes: Providing for the Reimbursement Out of Rent or Lease Money or any Occupant or Lessee Required to Erect Fire Escapes under the Provisions of this Act: Authorizing Actions for the Enforcement of this Act and Providing Penalties for Its Violation and Repealing all Acts in Conflict Herewith."

Section 1. That it shall be the duty of the owner entitled to the beneficial use, rental or control, or, if such owner be a non-resident, the occupant or lessee, of any

Fire escapes must be provided on all buildings three or more stories in height.

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building three or more stories in height, constructed or used, or intended to be used, in whole or in part, as a hospital, seminary, college, academy, school house, dormitory, hotel, lodging house, apartment house, rooming house, boarding house, theater, or any place of public amusement, lodge hall or any hall used for public gatherings, or any manufacturing establishment or industrial plant, wholesale or retail mercantile store, workshop, warehouse, office building, and any building erected by municipal, county or state authority, wherein public assemblies are permitted or sleeping apartments are provided on any floor above the second, to cause to be erected and fixed to every such building one or more adequate fire escapes, which, in no case, shall be less than one such escape to each five thousand square feet of lot area covered by such building, Provided that any building six or more stories in height shall have at least two such fire escapes to each five thousand square feet of lot area covered by such building; provided, that where the area and height of any building is such that the construction of one fire escape will meet the requirements of this Act and it is elected to construct an interior stairway type escape, then, in such case, there shall be provided at least one other exit from each floor of said building, which exit shall be placed as remote from the entrance to the fire escape as is consistant with the construction of the building, and provided further, that all fire escapes shall be located as far as possible, consistent with accessibility, from stairways, elevator hatchways and other openings in the floors, and as far apart as is consistent with the construction and location of the building. Provided that it shall be the duty of the owner entitled to the beneficial use, rental or control, or if such owner be a non-resident, the occupant or lessee, of any building two stories in height, already erected or which may hereafter be erected and used in whole or in part as a hotel, school, dormitory, theater or hospital, to cause to be erected an adequate number of stairways, or fire escapes which, in no case, shall be less than one, and one additional stairway or fire escapes for each five thousand square feet of lot area covered by such building in excess of ten thousand square feet, which stairways or fire escapes shall be located as remote from each other as possible, and be easy of access from all parts of the building. A basement of any building that extends five feet or more above grade line shall be considered a story within the meaning of this Act.

One fire escape for each 5,000 square feet of lot area.

For buildings six or more stories in height.

Exception where one fire escape sufficient.

Another exit to be provided in such case.

Location of fire escapes.

Buildings two stories in height must be equipped with stairways or fire escapes.

Additional stairway or fire escape for each 5,000 square feet of lot area.

Location and accessibility.

Basement shall be considered a story, when.

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What constitutes an adequate fire escape.

Section 2. An adequate fire escape, provided for in Section One (1) of this Act is defined to be a concrete stairway, an iron or steel stairway, an iron or steel straight chute, or which may be constructed of other fireproof material of equal strength, and may be erected on the exterior or interior of any building requiring fire escapes. Provided, however, where outside stairways do not reach the ground, same must have an iron stairway from the lowest balcony to the ground, counterbalanced so that same shall remain in a horizontal position when not in use. This stair must be constructed in the same manner of the same material as those of the upper balconies. When a suspended weight is used as a counterbalance, proper guides or places must be provided. It is hereby made the duty of the State Fire Marshal, to prepare and promulgate minimum specifications for the construction and erection of each type of fire escape authorized by this Act, which specifications shall be based upon a working stress of not less than sixteen thousand pounds to the square inch for steel, twelve thousand pounds to the square inch for wrought iron and seven hundred pounds to the square inch for concrete; provided, that specifications for interior fire escapes shall require that they be inclosed with noncombustible material, and that all door and window openings be properly protected with self-closing, fire-proof shutters, and that all stairway escapes, interior and exterior, be continuous and suitably connected with the roof of the building. No Fire escape shall be approved as complying with the provisions of this Act, the material and erection of which are not at least the equivalent of the minimum specifications promulgated by the State Fire Marshal as herein provided. It shall also be the duty of the State Fire Marshal to prepare and promulgate minimum specifications for the construction of stairways required for buildings two stories in height, as set forth in Section One (1) of this Act, which stairways may be constructed of wood or other material and located on the interior or exterior of the building, but shall not be required to be inclosed.

Equipment of fire escapes from lower balcony to ground.

Duty of State Fire Marshal to prepare and promulgate specifications.

Specifications for interior fire escapes.

Conformity to specifications.

Minimum specifications for two-story buildings.

Guide signs and exit lights must be provided.

Section 3. That it shall be the duty of the owner entitled to the beneficial use, rental or control; or if the owner be a non-resident, the occupant or lessee of any building used or intended to be used, as described in Section One (1) of this Act, where fire escapes are required also to provide and maintain, in good condition at all times, therein proper guide signs and exit lights,

Number of guide signs and exit lights.

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which signs and lights shall be of a sufficient number on each floor to indicate the location of fire escapes and all entrances thereto. And it shall be unlawful to obstruct, in any manner whatsoever, any fire escapes required by the provisions of this Act, or any hallway, corridor, or entrance way leading thereto.

Obstruction of fire escapes and entrances.

State Fire Marshal charged with execution of Act.

Section 4. The State Fire Marshal shall have general charge and supervision of the enforcement of the provisions of this Act, and, for this purpose, it is hereby made the duty of any inspector under the jurisdiction of the State Fire Marshal or any person authorized to act in his stead, to assist the State Fire Marshal in giving effect to the terms and provision hereof, and shall be subject to his direction, and to the rules and regulations adopted for its enforcement.

Duty of inspectors.

Examination of buildings to detect violations of Act, by what officers made.

Section 5. It shall be the duty of the State Fire Marshal, his deputies, and subordinates, the Chief of the Fire Department of each city or village where a fire department is established, or the Mayor of a city or village where no fire department exists, or the Justice of the Peace of a township in territory without the limits of a city or village, to enter into all buildings and upon all premises within his jurisdiction for the purpose of the examination of such premises for violations of this Act. And when any building shall be found which requires the erection of fire escapes, and upon which fire escapes have not been erected according to the provisions of this Act, to serve a written notice upon the party or parties whose duty it is to erect such fire escapes, which notice shall specify the time within which said fire escapes shall be erected, and which, in no case, shall be more than ninety days; and said notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified, or if deposited in the postoffice, directed to the last known address of the person to be notified. In case of buildings within the terms of this Act, that are managed and controlled by a Board of Trustees, Board of Commissioners or other governing body, notice may be served on the President, Secretary, or Treasurer of such Board of Trustees, Board of Commissioners or other governing body, to cause the erection of fire escapes on said buildings as may be required. Provided, that the occupant or lessee of any building who is required to erect fire escapes under the provisions of this Act shall be entitled to reimburse himself for the cost and expense of

Notice to erect fire escapes.

Time for compliance.

How service of notice made.

Service of notice where building controlled by a board or other governing body.

Occupant or lessee of building may reimburse himself for cost of construction.

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erecting said fire escapes out of the rent or lease money of said premises, and such reimbursement shall not be construed to be a breach of any existing lease contract, or any covenant thereof nor grounds for any action or damages or ouster.

Exemption from breach of contract.

Section 6. Any person failing, neglecting or refusing to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty ($50.00) dollars, nor more than two hundred ($200.00) dollars, and each days failure to comply with any of the provisions of this Act, after the expiration of the time stipulated in the written notice provided for herein, shall constitute a separate offense, and it shall be the duty of the State Fire Marshal, or any person authorized to act in his stead, to file complaints for violations of the provisions of this Act in any court of competent jurisdiction within the county where said violations occur, and it shall be the duty of the county attorney of such county to forthwith prosecute all such complaints so filed.

Penalty for non-compliance with Act.

Continuing offenses.

Prosecutions for violations of Act.

Section 7. In addition to the other remedies and penalties herein provided, upon the failure of any of the parties charged with the duty so to do to erect fire escapes in accordance with this law, the Attorney General of the State, or any County Attorney of the County where any such building is located, shall bring an action against the owner, lessee and occupants of any such building for an injunction enjoining the further occupancy of such building until compliance with this Act. Such action may be brought in the county where such building is located.

Injunction to enjoin occupancy of building, duty of Attorney General and county attorneys to bring action for.

Place of trial.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9. This Act shall be in full force and effect six months after its passage and approval.

Approved March 13, 1919.

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CHAPTER 214.

"An Act to Amend Section 17, Chapter 140, Laws of 1911 Relating to Service of Process Upon Fraternal Benefit Societies and Providing for the Payment of a Fee to the Commissioner of Insurance at the Time Process is Served Upon Him."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 17 of Chapter 140, Laws of 1911 be and the same is hereby amended to read as follows:

Commissioner of Insurance shall be appointed agent for the service of process upon fraternal benefit societies.

"Section 17. Every society, whether domestic or foreign, now transacting business in this State, shall, within thirty days after the passage of this Act, and every such society hereafter applying for admission, shall before being licensed appoint in writing the Commissioner of Insurance and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this state.

Validity of service and duration of agent's authority.

Certified copies admissible as evidence of appointment.

Copies of such appointment, certified by said Commissioner of Insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service shall only be made upon such attorney, must be made in duplicate upon the Commissioner of Insurance or in his absence upon the person in charge of his office and shall be deemed sufficient service upon such society; provided, however, that in all cases where service is made upon the Commissioner of Insurance, as herein provided, the defendant shall have 20 days from the date of such servicee in which to file its answer or other appearance in the case. When legal process against any such society is served upon said Commissioner of Insurance, he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer. For each copy of process the commissioner of insurance shall collect the sum of two ($2.00) dollars which shall be paid by the plaintiff at the time of such service, the same to be

service of process, how made.

Time for answer.

Duplicate copy of process to be forwarded to proper officer of society.

Fees for copies of process.

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recovered by him as part of the taxable costs if he prevails in the suit. Legal process shall not be served upon any such society except in the manner provided herein. Method of service exclusive.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval. Repealing clause.

Approved March 13, 1919.

CHAPTER 215.

"An Act to Amend Section 4156 of the Revised Codes of Montana of 1907 Relating to the Requirements for a Foreign Corporation to do Business in the State of Montana, and relating to the Service of Process upon such Corporation."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4156 of the Revised Codes of the State of Montana, be and the same is hereby amended to read as follows:

"Section 4156. Any corporation, association or society organized under the laws of any other state, territory or government, for the purpose of furnishing life, accident, or permanent disability indemnity upon the assessment plan, where benefits are paid to such as have an insurable interest only, complying with the provisions of this Chapter, so far as applicable and showing that it has deposited with the proper authorities or department of the territory, or state, or government under which it is incorporated, not less than fifty thousand dollars as a guarantee fund for the security of its members, may be licensed by the State Auditor upon payment to the state treasury of a fee of three hundred dollars, to do business in this State, provided such corporation first deposits with the said Auditor a certified copy of its charter or articles of incorporation, a copy of the statement of business for the preceding year, sworn to by its President and Secretary, or like officers, showing a detailed account of expenses and income, the amount of life indemnity in force, its assets and liabilities in detail, number of members and a certificate sworn to by the President and Secretary, or like officers, setting forth that an ordinary assessment upon the members is sufficient to pay

Foreign corporations may be licensed to do business in Montana, when.

License fee.

Prerequisites to the issue of license.

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its maximum certificate of membership to the full limit named therein; a copy of its policy or certificate of membership, application and by-laws which must show that death losses are in the main provided for by assessment upon the surviving members; and it must legally designate the commissioner of insurance and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the corporation or company and that the authority shall continue in force so long as any liability remains outstanding in this state.

Designation of Commissioner of Insurance as agent upon whom service of process may be made.

Validity of service and duration of agent's authority.

Certified copies admissible as evidence of appointment.

Copies of such appointment, certified by said Commissioner of Insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

Method and sufficiency of service.

Such service shall only be made upon such attorney, must be made in duplicate upon the Commissioner of Insurance or in his absence upon the person in charge of his office and shall be deemed sufficient service upon such society, corporation or company; Provided, however, that in all cases where service is made upon the Commissioner of Insurance as herein provided, the defendant shall have 20 days from the date of such service in which to file its answer or other appearance in the case.

Time to answer.

Duplicate copies of process to be forwarded to proper officer of corporation.

When legal process against any society, corporation or company is served upon said commissioner of insurance he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer.

Fee for copies of process.

For each copy of process the commissioner of insurance shall collect the sum of Two Dollars ($2.00) which shall be paid by the plaintiff at the time of such service, the same is to be recovered by him as part of the taxable costs if he prevails in the suit.

Method of service exclusive.

Legal process shall not be served upon any such corporation or company except in the manner provided herein.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1919.

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CHAPTER 216.

"An Act to Amend Section 4167 of the Revised Codes of Montana of 1907 Relating to the Appointment of an Attorney for and the Service of Process Upon Assessment Accident Insurance Companies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 4167, Revised Codes, amended.

Section 1. That Section 4167 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Assessment accident insurance companies, designation of Commissioner of Insurance as agent for service of process.

"Section 4167. Every such corporation organized under the laws of another state or country shall, before doing business in this state, appoint in writing the commissioner of insurance and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the corporation or company and that the authority shall continue in force as long as any liability remains outstanding in this state.

Validity of service.

Copies of appointment admissible as evidence.

Copies of such appointment, certified by such Commissioner of Insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

Manner of service.

Such service shall only be made upon such attorney, must be made in duplicate upon the Commissioner of Insurance or in his absence upon the person in charge of his office and shall be deemed sufficient service upon such society, corporation or company; provided, however, that in all cases where service is made upon the Commissioner of Insurance, wherein provided, the defendant shall have 20 days from the date of said service in which to file its answer or other appearance in the case.

Time to answer.

Copy of process to be sent to proper officer of company.

When legal process against any society, corporation or company is served upon said commissioner of insurance he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer, or in case of a corporation of a foreign country to the resident manager if any in this country.

Fees of commissioner for copies of process.

For each copy of process the commissioner of insurance shall collect the sum of $2.00 which shall be paid by the plaintiff at the time of such service, the same to be recovered

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Other metnods of service excluded.

by him as part of the taxable costs if he prevails in the suit. Legal process shall not be served upon any such corporation or company except in the manner provided herein.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1919.

CHAPTER 217.

"An Act to Amend Section 4121 of the Revised Codes of Montana of 1907 Relating to Service of Process Upon Life Insurance Companies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 4121, Revised Codes, amended.

Section 1. That Section 4121 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Foreign life insurance companies shall file power of attorney in office of State Auditor, for what purpose.

"Section 4121. Every life insurance company or organization organized under the laws of another state or country shall, before receiving a certificate to do business in this State, or any renewal thereof, filed in the office of the State Auditor a power of attorney executed by the President and Secretary of the company, or such other qualified officer authorized to sign such instrument, appointing the commissioner of insurance and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the corporation or company and that the authority shall continue in force so long as any liability remains outstanding in this State.

Certified copies of such appointment to be admitted as evidence.

Copies of such appointment, certified by said Commissioner of Insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

Service of such process to be made only upon whom.

Such service shall only be made upon such attorney, must be made in duplicate upon the Commissioner of Insurance or in his absence upon the person in charge of his office and shall be deemed sufficient service upon such society, corporation or company, provided,

Service to be deemed sufficient service upon whom.

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however, that in all cases where service is made upon the Commissioner of Insurance, as herein provided, the defendant shall have 20 days from the date of such service in which to file its answer or other appearance in the case. When legal process against any society, corporation or company is served upon said commissioner of insurance he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer. For each copy of process the commissioner of insurance shall collect the sum of Two Dollars ($2.00) which shall be paid by the plaintiff at the time of such service, the same to be recovered by him as part of the taxable costs if he prevails in the suit. Legal process shall not be served upon any such corporation or company except in the manner provided herein."

Time allowed for answer.

Duty of Commissioner of Insurance upon being served.

Fee to be collected by commissioner.

Process shall not be served upon such corporation in any other manner.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1919.

CHAPTER 218.

"An Act to Amend Section 4044 of the Revised Codes of Montana of 1907, Relating to the Payment of the Capital Stock of Stock and Mutual Insurance Companies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4044 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

"Section 4044. The Capital of every corporation formed under the provisions of this Chapter shall not be less than two hundred thousand dollars, nor more than one million dollars, as may be specified in the articles of incorporation. Any such corporation shall issue stock divided into shares of the par value of one hundred dollars each, at least fifty per cent of which stock shall be fully paid up in cash, the remaining unpail portion of such stock, if any there shall be, shall be paid up within such time as the directors or trustees of said corporation shall order, but not later than two years after the issuance of the certificate of authorization by the

Amount of capital stock of stock and mutual insurance companies.

Issue of stock.

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Promissory notes for unpaid portion of stock.

Security upon notes.

Repealing clause.

Insurance Commissioner. Promissory notes shall be executed for the payment of the unpaid portion of said stock, which notes shall be executed by the stockholders, payable to the corporation, and such notes shall be secured by at least one surety or by mortgages on unencumbered real estate within the state of Montana, worth at least twice the amount of such notes, and said security shall be approved by the Insurance Commissioner."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1919.

CHAPTER 219.

"An Act to Fix the Salaries of the County Superintendents of Schools, in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Salaries of county superintendents in counties of first, second and third classes.

Section 1. That in all counties of the first, second and third classes, the County Superintendents of Schools shall be paid salaries of $2100.00 per annum.

Of fourth, fifth and sixth classes.

Section 2. That in all counties of the fourth, fifth and sixth classes, the County Superintendents of Schools shall be paid salaries of $1800.00 per annum.

Of seventh and eighth classes.

Section 3. That in all counties of the seventh and eighth classes, the County Superintendents of Schools shall be paid salaries of $1500.00 per annum.

Repealing clause.

Section 4. That all Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 5. This Act shall be in force and effect from and after its passage and approval.

Approved March 14, 1919.

CHAPTER 220.

"An Act to Amend Section 4062 of the Revised Codes of the State of Montana, 1907, As Amended by Chapter 39, Session Laws of 1913, Relating to the Manner in with Insurance Companies, Associations, or Partnerships may Transact Business in the State of Montana,

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and Repealing Section 4061 of the Revised Codes of the State of Montana 1907, Relating to the Manner in which Insurance Companies may Transact Business in the State of Montana."

Be it enacted by the Sixteenth Legislative Assembly of the State of Montana:

Section 1. That Section 4062 of the Revised Codes of the State of Montana, 1907, as amended by Chapter 39, of the Session Laws of 1913, be and the same is hereby amended so as to read as follows:

Section 4062, Revised Codes, amended.

"Section 4062. It shall not be lawful for any insurance company, association or partnership, organized or associated for any of the purposes specified in this Chapter incorporated by or organized under the laws of any other state, or the United States or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of two hundred thousand dollars of actual paid-up capital, exclusive of any assets of any such company as shall be deposited in any other states or territories, or foreign countries, for the special benefit or security of the insured therein; provided, however, that such insurance companies coming within the provisions of this Act shall be subject to all restrictions and duties which are now or may be imposed upon insurance companies of like character organized under the laws of this State, and shall have no other or greater powers; any such company desiring to transact any such business as aforesaid, by any agent or agents in this State, shall appoint in writing the Commissioners of Insurance and his successors in office to be its true and lawful attorney, upon whom legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon such company and that the authority shall continue in force so long as any liability remains outstanding in this State.

Foreign insurance companies.

Amount of capital required before doing business in state.

Shall be subject to same restrictions and duties as are imposed upon domestic companies.

Shall appoint the Commissioner of Insurance as its attorney upon whom legal processes may be served.

Copies of such appointment, certified by said Commissioner of Insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Such service shall only be made upon such attorney, must be made in duplicate upon the Commissioner of Insurance or in his absence upon the person in charge of his office and shall be deemed sufficient service upon such

Certified copies of such appointment shall be deemed sufficient evidence thereof.

Service can be made only upon said attorney.

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Time after service allowed for answer.

Duty of commissioner when service is made on him.

Fee to be paid commissioner.

No other manner of serving such company.

Such company shall also file certified copy of its charter, etc.

What statement shall contain.

Must show to the satisfaction of the Auditor, what.

Shall file copy of its last annual report.

When agent of company not permitted to transact business within this state.

Requirements of companies formed to carry on businesses named in section.

company; provided, however, that in all cases where service is made upon the Commissioner of Insurance, as herein provided, the defendant shall have 20 days from the date of such service in which to file its answer or other appearance in the case. When legal process against any such company is served upon said Commissioner of Insurance he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer. For each copy of process the Commissioner of Insurance shall collect two ($2.00) dollars which shall be paid by the plaintiff at the time of such service, the same to be recovered by him as part of the taxable costs, if he prevails in the suit. Legal process shall not be served upon any such company except in the manner provided herein.

Said company shall also file a certified copy of their charter or deed of settlement, together with a statement under the oath of the President or Vice President, or other chief officer, and the Secretary of the company for which they may act, stating the name of the company and the place where located, the amount of its capital with a detailed statement of the facts and items, as required from companies organized under the laws of this State, as per Section 3920 (4058) hereof; such statement shall also show to the full satisfaction of the State Auditor and Insurance Commissioner Ex-Officio that said company, if organized without the United States of America, has deposited in some one of the United States or Territories, a sum not less than one hundred thousand dollars for the special benefit or securities of the assured therein, and shall file also a copy of the last annual report made under any law of the state, territory or foreign country by which said company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired by the liabilities, as stated in Section 3920 (4058) of this Chapter, to the extent of twenty per cent thereof while such deficiency shall continue; Provided, that any company formed for the purpose of carrying on the business of plate glass, health, accident, fidelity, surety, livestock, steam boiler, hail and cyclone, credit or other liability insurance, both foreign and domestic, in any combination of the said several businesses to carry on and engage in said plural insurance businesses under one incorporation, shall have not less than one hundred thousand ($100,000.00) dollars of capial stock subscribed, fifty per cent of which shall be paid up in cash, and invested as provided by the

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laws governing the investment of capital stock of fire insurance companies."

Section 2. That Section 4061 of the Revised Codes of Montana of 1907, be and the same is hereby repealed.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1919.

CHAPTER 221.

"An Act to Amend Section 3116 Revised Codes of Montana of 1907, Relating to Salaries of County Officers."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3116 of the Revised Codes of Montana of 1907, be and the same is hereby amended so as to read as follows:

Section 3116, Revised Codes, amended.

Section 3116. The county officers are entitled to receive an annual compensation or salary for services according to the following classification, to-wit:

Salaries of county officers classified.

FIRST CLASS.

Salaries of officers of counties of the first class.

Treasurer, three thousand five hundred dollars.
Sheriff, four thousand five hundred dollars.
Assessor, three thousand five hundred dollars.
County Clerk, three thousand five hundred dollars.
County Auditor, three thousand dollars.
Clerk of the District Court, three thousand five hundred dollars.
County Attorney, three thousand five hundred dollars.

SECOND CLASS.

Salaries of officers of counties of second class.

Treasurer, three thousand dollars.
Sheriff, three thousand five hundred dollars.
Assessor, three thousand dollars.
County Clerk, three thousand dollars.
County Auditor, two thousand five hundred dollars.
Clerk of the District Court, three thousand dollars.
County Attorney, three thousand dollars.

THIRD CLASS.

Salaries of officers of counties of third class.

Treasurer, three thousand dollars.
Sheriff, three thousand five dollars.
Assessor, two thousand seven hundred fifty dollars.

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Auditor, two thousand two hundred fifty dollars.
County Clerk, three thousand dollars.
Clerk of the District Court, three thousand dollars.
County Attorney, three thousand dollars.

FOURTH CLASS.

Salaries of officers of counties of fourth class.

Treasurer, two thousand five hundred dollars.
Sheriff, two thousand seven hundred fifty dollars.
Assessor, twenty-five hundred dollars.
Auditor, two thousand two hundred fifty dollars.
County Clerk, two thousand five hundred dollars.
Clerk of the District Court, two thousand five hundred dollars.
County Attorney, two thousand five hundred dollars.

FIFTH CLASS.

Salaries of officers of counties of fifth class.

Treasurer, two thousand five hundred dollars.
Sheriff, two thousand seven hundred fifty dollars.
Assessor, two thousand two hundred fifty dollars.
Auditor, one thousand seven hundred fifty dollars.
County Clerk, two thousand dollars.
Clerk of the District Court, two thousand five hundred dollars.
County attorney, two thousand dollars.

SIXTH CLASS.

Salaries of officers of counties of sixth class.

Treasurer, two thousand dollars.
Sheriff, two thousand two hundred fifty dollars.
Assessor, one thousand eight hundred dollars.
County Clerk, two thousand dollars.
Clerk of the District Court, one thousand eight hundred dollars.
County Attorney, one thousand eight hundred dollars.

SEVENTH CLASS.

Salaries of officers of counties of seventh class.

Treasurer, one thousand eight hundred dollars.
Sheriff, two thousand dollars.
Assessor, fifteen hundred dollars.
County Clerk, one thousand eight hundred dollars.
Clerk of the District Court, one thousand eight hundred dollars.
County Attorney, one thousand five hundred dollars.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1919.

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CHAPTER 222.

"An Act to Amend Section 3118 of the Revised Codes of Montana, of 1907, as Amended by Chapter 85 of the Session Laws of 1909, and Chapter 132 of the Session Laws of 1911, Relating to the Salary and Compensation of Deputies to County Officers and Assistants."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3118 of the Revised Codes of Montana of 1907, as amended by Chapter 85 of the Session Laws of 1909, and Chapter 132 of the Session Laws of 1911, be, and the same is hereby amended to read as follows:

Section 3118, Revised Codes, amended.

Section 3118. The annual compensation allowed to any deputy or assistant is as follows:

COUNTIES OF THE FIRST CLASS.

SHERIFF.

Annual salaries of deputy county officers in first-class counties.

One Under Sheriff, at a rate of not less than Twenty-six Hundred Dollars.

One Chief Deputy and Clerk, at a rate of not less than Two Thousand Dollars.

All other deputies, at a rate of not less than Eighteen Hundred Dollars.

CLERK AND RECORDER.

One Chief Deputy, at a rate of not less than Twenty-one Hundred Dollars.

All other deputies, at a rate of not less than Sixteen Hundred Fifty Dollars.

CLERK DISTRICT COURT.

One Chief Deputy, at a rate of not less than Nineteen Hundred and Fifty Dollars.

Each department, deputy clerk, at a rate of not less than Eighteen Hundred Dollars.

All other deputies, at a rate of not less than Sixteen Hundred Fifty Dollars.

TREASURER.

One Chief Deputy, at a rate of not less than Twenty-one Hundred Dollars.

Other deputies, at a rate of not less than Sixteen Hundred Fifty Dollars.

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ASSESSORS.

One Chief Deputy, at a rate of not less than Twenty-one Hundred Dollars.

Other deputies between first Monday of March and August of each year, at a rate of not less than One Hundred and Fifty Dollars per month.

COUNTY ATTORNEY.

Chief Deputy, at a rate of not less than Twenty-four Hundred Dollars.

Other deputies, at a rate of not less than Eighteen Hundred Dollars.

AUDITOR.

One Chief Deputy, at a rate of not less than Eighteen Hundred Dollars.

Other deputies, at a rate of not less than Sixteen Hundred Fifty Dollars.

COUNTIES OF THE SECOND AND THIRD CLASS.

COUNTY ATTORNEY.

In second and third-class counties.

Chief Deputy, at a rate of not less than Twenty-one Hundred Dollars.

Other deputies, at a rate of not less than Eighteen Hundred Dollars.

Under Sheriff, at a rate of not less than Nineteen Hundred Fifty Dollars.

Each Deputy Sheriff, at a rate of not less than Eighteen Hundred Dollars.

Chief Deputy Clerk of the District Court, at a rate of not less than Nineteen Hundred Fifty Dollars.

Other deputy clerks of the district court, at a rate of not less than Eighteen Hundred Dollars.

Chief Deputy Treasurer, at a rate of not less than Nineteen Hundred Fifty Dollars.

Each Deputy Treasurer, at a rate of not less than Sixteen Hundred Fifty Dollars.

Chief Deputy Clerk and Recorder, at a rate of not less than Nineteen Hundred Fifty Dollars.

Each Deputy Clerk and Recorder, at a rate of not less than Sixteen Hundred Fifty Dollars.

Chief Deputy Assessor at a rate of not less than Nineteen Hundred Fifty Dollars.

Each Deputy Assessor or Assistant Assessor, at a rate of not less than Sixteen Hundred Fifty Dollars.

Each Deputy Auditor at a rate of not less than Sixteen Hundred Fifty Dollars.

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COUNTIES OF THE FOURTH AND FIFTH CLASS.

In fourth and fifth-class counties.

Under Sheriff, at a rate of not less than Nineteen Hundred Fifty Dollars.

Each Deputy Sheriff and jailor, at a rate of not less than Sixteen Hundred Fifty Dollars.

Deputy Clerks and Recorder at a rate of not less than Sixteen Hundred Fifty Dollars.

Deputy clerks of the district court, at a rate of not less than Sixteen Hundred Fifty Dollars.

Deputy Treasurer and Deputy Assessor allowed by law at a rate of not less than Sixteen Hundred Fifty Dollars.

COUNTIES OF THE SIXTH AND SEVENTH CLASSES.

In counties of sixth and seventh classes.

Under sheriff, at a rate of not less than Eighteen Hundred Dollars.

Each Deputy Sheriff, at a rate of not less than Sixteen Hundred Fifty Dollars.

Deputy Clerks and Recorder at a rate of not less than Sixteen Hundred Fifty Dollars.

Deputy Clerks of the District Court, at a rate of not less than Sixteen Hundred Fifty Dollars.

Each Deputy Treasurer and Deputy Assessor or Assistant Assessor allowed by law at a rate of not less than Sixteen Hundred Fifty Dollars.

Section 2. The Boards of County Commissioners in the several counties of the State shall have the power to fix the compensation allowed any deputy or assistant under this Act, where any deputy or assistant is employed for a period of less than one year the compensation of such deputy or assistant shall be for the time so employed provided, the rate of such compensation shall not in any event be to exceed the rates fixed by this Act for similar deputies or assistants.

Section 3. That all Acts or parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1919.

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CHAPTER 223.

"An Act Making the Board of Railroad Commissioners Ex-Officio the Trade Commission of Montana for the Regulation and Control of Public Mills as Defined in this Act Engaged in the Manufacture and Production of Flour, Bran and Other Grain Products; Prescribing the Manner in which such Public Mills shall be Regulated and Controlled; Requiring such Public Mills to Furnish Reasonable Adequate Service and Facilities; Prohibiting Unjust and Unreasonable Profits and Prohibiting Unreasonable and Unjust Charges or Tolls for Services Rendered by such Public Mills; Providing Penalties for the Violation of the Provisions of this Act; Authorizing such Trade Commission to Appoint an Expert Accountant and to Employ Clerks and Assistants and Making an Appropriation for Carrying Out the Provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Montana Trade Commission created.

Board of Railroad Commissioners.

Section 1. That a Commission is hereby created and established, to be known as the Montana Trade Commission (hereinafter referred to as the Commission), and the Board of Railroad Commissioners of the State of Montana shall be ex-officio the Montana Trade Commission.

Duty of commission regarding public mills.

Section 2. It shall be the duty of the Commission hereby created to fix reasonable rules, charges, rates, tolls, maximum profits and to supervise and regulate the operations of public mills within the State of Montana, such supervision, control and regulation to be in conformity with this Act.

Official seal.

Suits in what name.

Secretary.

Business to be separate.

Section 3. The Commission shall provide itself with a seal, which shall be judicially noticed, and by which its official acts shall be authenticated in all cases where a seal is required; and in the name of the commission as above set forth it may sue and be sued in the Courts of the State and of the United States. The Secretary of the Railroad Commission of Montana shall act as Secretary of the Commission hereby created, but the business of the Montana Trade Commission shall be kept entirely separate from that of the Board of Railroad Commissioners.

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"Public mills" defined.

Section 4. The term "public mills" within the meaning of this Act shall be construed to mean and embrace all persons, copartnerships, associations or corporations, their lessees, trustees, or receivers appointed by any Court whatsoever, who now or may hereafter own, operate, manage or control any elevator, mill, factory, or plant or equipment or any part of a mill or equipment within the State of Montana, whether operated by steam, electricity, water power or any other motive power, or any elevator used in connection therewith or any kind of equipment used or necessary in the business of milling, mnaufacturing or producing flour, bran, mill-feed or products or commodities of any kind, from wheat, oats or other grain and who also is engaged in the business of purchase of wheat and other grain in the open market, and manufacturing same into flour, feed or other grain products, and selling the same in open markets, and manufacturing flour, feed or other grain-products for farmers and other customers for toll or pay. And the Commission is hereby invested with full power of supervision, regulation and control of such public mills, subject to the provisions of this Act.

What shall be milled on a basis of toll to be fixed by the commission.

Also other grains.

Equivalent in mill products may be paid for the grain.

Section 5. Every such public mill shall grind and bolt into flour and its equivalent mill products wheat of milling quality when offered by the owner thereof, on a basis of toll to be fixed by the Commission; and every such public mill shall grind and chop grains other than wheat when offered by the owner thereof, on a basis of toll to be fixed by the Commission; provided, that such mill shall be permitted to return to the person offering such grain for grinding and bolting, or for grinding and chopping the equivalent value of such grain in flour or other mill products, less the toll in kind allowed to be taken by the Commission.

Privately owned mills not included.

Section 6. The term "public mills" as used in this Act shall not be construed to mean and embrace privately owned mills.

"Privately owned mill or mills" defined.

Section 7. The term "privately owned mill or mills" as used in this Act shall be construed to mean any such mill, owned, operated or used by any person, persons, corporation or copartnership, for the purpose of grinding or manufacture his or its grain for his or its own use or consumption.

The term "corporation" defined.

Section 8. The term "Corporation" as used in this Act shall be construed to mean and embrace any company or association, incorporated or unincorporated, which is engaged in this State in the business of milling,

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manufacturing, and producing flour, bran, mill-feed or products or commodities of any kind, from wheat, oats or other grain.

May prescribe rules of procedure and do all things necessary.

Section 9. In addition to the modes or procedure hereinafter prescribed in particular cases and classes of cases, said Commission shall have power to to prescribe rules of procedure, and to do all things necessary and convenient in the exercise of the powers by this Act conferred upon the Commission, provided, that nothing in this Act shall be construed as vesting judicial powers on said Commission, or as denying to any person, firm, association or corporation, the right to test in Court of competent jurisdicton, the legalty of reasonableness of any fixed rule or order, made by the Commission in the exercise of its duties or powers.

Commission has no judicial power.

Right of appeal not taken away.

Public mill to furnish adequate service and facilities.

Tolls shall be reasonable and just.

Section 10. Every such "public mill" which comes within the provisions of this Act is required to furnish reasonably adequate service and facilities. The charge of toll made by any such public mill for the grinding, chopping, bolting, rolling, preparation or manufacture of flour, feed, bran, rolled oats, cereals, breakfast foods, or other millstuffs or grain products of every kind and nature, or for any service to be rendered to, or in connection with any such mill shall be reasonable and just, and every unjust and unreasonable charge is prohibited and declared unlawful.

Unlawful charges.

Mill may charge a reasonable profit.

Section 11. That every such mill coming within the provisions of this Act, the selling or disposing of any of its flour, feed, or other millstuffs, or grain products shall charge a reasonable profit in addition to the actual cost of its products in the sale thereof to other persons, corporations or associations.

Valuation of plants.

Section 12. The Commission may, in its discretion investigate and ascertain the value of the property of every such "public mill" coming within the provisions of this Act, actually used and useful in the milling, manufacture, sale or production of such grain or grain products. In making such investigation the Commission may avail itself to all information contained in the assessment rolls of various counties, and the public records of the various branches of the State Government, or any other information obtainable, and the Commission may at any time, of its own initiative make a revaluation of such property.

Information which may be used in investigation.

Revaluation.

Uniform accounts of all business transactions to be rendered commission.

Section 13. Every public mill coming within the provisions of this Act shall keep and render to the Commission in the manner and form prescribed by the Commission, uniform accounts of all business transacted.

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"Documentary evidence" defined.

Section 14. The term "Documentary Evidence" as used in this Act shall be construed to mean all documents, papers, and correspondence in existence at and after the passage of this Act.

Commission to have access to what documentary evidence and when.

Section 15. That for the purpose of this Act the Commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person or corporation, coming under the provisions of this Act, being investigated or proceeded against; and the Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the Commission may sign subpoenas, and members of the Commission may administer oaths and affirmations, examine witnesses and receive evidence.

Subpoena witnesses.

Subpoena duces tecum.

Depositions.

Section 16. The Commission may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission as hereinbefore provided.

Taken before whom.

In writing.

Compulsory attendance.

Power to enter premises.

Section 17. The Commission, its agents, experts or examiners shall have the right, authority and power to enter upon any premises occupied by any public mill coming within the provisions of this Act, for the purpose of making the examination, investigation and tests from time to time, as the Commission may deem it necessary, and to set up and use on such premises any appurtenances and appliances, and occupy reasonable space therefor.

Schedules of rates, tolls, charges and prices to be furnished commission.

Section 18. Every public mill coming within the provisions of this Act shall file with the Commission, within a time fixed by the Commission, schedules which shall be open to public inspection, showing all rates, tolls, charges and prices which are as established and which are in force at the time, for any service performed, or maximum charges or prices for its products. The maxi-

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mum rates, tolls, and profits in force at the time of the passage of this Act.

Rules and regulations for investigations, etc.

Section 19. The Commission shall have the power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits, and investigations, and to adopt and publish reasonable and proper rules to govern its proceedings and regulate the mode and manner of all investigations and hearings of such public mills coming within the provisions of this Act. All hearings shall be open to the public.

Rules of proceedings.

Inquisitorial powers of commission.

Section 20. The Commission shall have power and authority to inquire into the management of the business of all public mills coming within the provisions of this Act, and shall keep itself informed as to the manner and method in which the same is conducted and shall have the right to obtain from any such industry all necessary information to enable the Commission to perform its duties.

Subpoena duces tecum.

How served.

Section 21. The Commission may require by order or subpoena, to be served on any person or corporation coming within the provisions of this Act in the same manner that a summons is served in a civil action in the District Court, the production, within this State, at such time and place as it may designate, of any documentary evidence, books, accounts, papers or records kept by such person or corporation in any office or place within or without the State of Montana, or verified or certified copies in lieu thereof, if the Commission shall co order, in order that an examination thereof may be made by the Commission or under its direction.

Power of district court to compel attendance and production of evidence.

Section 22. That any District Court of the State of Montana within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the Court may be punished by such Court as a contempt thereof.

Contempt of court.

May employ an accountant, examiners, experts, etc.

Compensation.

Section 23. The Commission is authorized to employ an accountant, at a salary of not to exceed $3,000.00 per annum, also examiners, experts, clerks and accountants or other assistants, as it may be deemed necessary, at such rates of compensation as may be determined upon.

Investigations to be made upon what complaints.

Section 24. Upon a complaint made against any such person or corporation by any mercantile, labor or agri-

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cultural organization, society or club, or by any person or persons, firm or firms, corporation, corporations, who are directly affected thereby, that any of the rates, tolls, charges, or schedule of maximum profits are, in any way unreasonable or unjustly discriminatory, or that any regulations, measures, practices or acts whatsoever, affecting or relating to the production, manufacture, or preparation or sale of such millstuffs or grain products is in any respect unreasonable or insufficient or that any service in connection therewith is inadequate, the Commission shall proceed with or without notice, to make such investigations as it may deem necessary and proper.

Notice of hearing.

Section 25. The Commission shall give such persons or corporations and the complainant or complainants at least ten days notice of the time when, and the place where such hearing will be held, at which hearing both the complainant and such persons or corporations shall have the right to appear by counsel or otherwise, and be fully heard. Either party shall be entitled to an order by the Commission for the appearance of witnesses or the production of documentary evidence, books, papers and documents containing material testimony. Witnesses appearing upon the order of the Commission shall be entitled to the same fees and mileage as witnesses in civil cases in the District Courts of the State, and the same shall be paid out of the State Treasury, in the same manner as other claims against the State are paid, but no fees for mileage shall be allowed, unless the chairman of the Commission shall certify to the correctness of the claim.

Parties may appear by counsel.

Entitled to order for evidence to be produced.

Witness fees and mileage.

To be paid by state, when.

Proceedings when rates, tolls, charges, etc., are found unreasonable, unjust or discriminating.

Section 26. If upon such hearing and due investigations the rates, tolls, charges or profits shall be found to be unjust, unreasonable or unjustly discriminatory, or to be preferential, or otherwise in violation of the provisions of this Act, the Commission shall have the power to fix an order substituting therefor such maximum rate or rates, tolls, charges or schedule of profits as shall be just and reasonable.

Complaints by persons or corporations within provisions of Act.

Section 27. Any person or corporation coming within the provisions of this Act may make complaint as to any matter affecting its own product or service with like effect, as though made by any mercantile, agricultural or labor organization and the person or persons affected thereby. Notice of the hearing upon any such complaint shall be given to the persons interested in such matter as the Commission may by rule prescribe. A full and complete record shall be kept of all proceedings be-

Notice of hearing.

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fore the Commission or its representatives on any formal investigation, and all testimony shall be taken down by a stenographer appointed by the commission.

Power to inquire into violations of law.

Section 28. The Commission shall inquire into any neglect or violation of the laws of this State, by any such persons or corporation coming within the provisions of this Act, and doing business in the State of Montana, or by the officers, agents or employees thereof, shall have the power and it shall be its duty to enforce the provisions of this Act and report all violations thereof to the Attorney General. Upon the request of the Commission, it shall be the duty of the Attorney General or the prosecuting attorney of the proper county, to aid in any investigations, prosecutions, hearing or trial had under the provision of this Act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this Act.

Power to enforce Act.

Report to Attorney General.

Duty of Attorney General.

Actions to enforce forfeitures.

Section 29. Any forfeiture or penalty herein provided shall be recovered and suit thereon shall be brought in the name of the State of Montana in the District Court of any county having jurisdiction of the defendant. The Attorney General of the State of Montana shall be the counsel in any proceeding, investigation, hearing or trial, prosecuted or defended by the Commission, as also shall any County Attorney selected by said Commission in any county where such action is pending.

Duty of Attorney General.

Duty of county attorney.

Failure to comply with Act.

Section 30. If any person or corporation coming within the provisions of this Act shall violate any provisions of this Act, or shall do any act herein prohibited, or shall fail, or refuse to perform any duty enjoined upon it, or upon failure of any such person or corporation to place in operation any rate, toll or profit or do any act herein prohibited, or shall fail, neglect or refuse to obey any lawful requirement or order made by the Commission or any court, for every such violation, failure, or refusal, such person or corporation shall be subject to a fine of not less than $100.00 nor more than $5,000.00.

Penalty.

Traveling and other expenses of commission and its employees.

Section 31. The Commission and Secretary and such clerks and experts as may be employed, shall be entitled to receive from the State their necessary expenses while traveling on the business of the Commission, including the cost of lodging and subsistence. Such expenditure shall be sworn to by the person who incurred the expenses, and be approved by the Chairman of the Commission.

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Section 32. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 33. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 18, 1919.

CHAPTER 224.

A Bill for An Act Entitled, "An Act to Amend Section 5, of Initiative Measure No. 12, Approved by the People of Montana at the General Election 1918 Entitled "An Act Authorizing and Regulating the Practices of Chiropractic in Montana" and Providing Educational Requirements."

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section I. That Section 5 of Initiative Measure No. 12 adopted by the people at the general election in 1918, be and the same is hereby amended to read as follows:

Chiropractic; application for license to practice.

"Section 5. (A) Any person wishing to practice Chiropractic in this State, after March 15th, 1919 shall make application to said Board of Chiropractic Examiners thru the Secretary-Treasurer thereof, upon such form and in such manner as may be prescribed and directed by the Board, at least fifteen (15) days prior to any meeting of said Board, each applicant shall be a graduate of a chartered school of Chiropractic, in which he actually attended a course of study of at least three (3) years of nine (9) months each, preceded by a four year's high school course. Application shall be in writing and shall be signed by the applicant in his own hand writing, and shall be sworn to by some officer authorized to administer oaths, and shall recite the history of applicant's educational qualifications, how long he has studied Chiropractic, of what school or college he is a graduate, the length of time he has been engaged in practice, accompanying the same with proofs thereof, in the shape of diplomas, certificates, etc., and shall accompany said application with satisfactory evidence of good character and reputation.

Form and contents of application.

To be accompanied by diplomas, certificates, etc.

Fees for license.

(b) There shall be paid to the Secretary-Treasurer of the State Board of Chriopractic Examiners by each applicant for a license, a fee of $25.00, ten dollars of which shall accompany application and the remaining

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$15.00 shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application."

Section II. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved March 19, 1919.

CHAPTER 225.

"An Act to Regulate the Keeping of Employment Agencies in the State of Montana Where Fees Are Charged for Procuring Employment or Situations."

Be it enacted by the Legislative Assembly of the State of Montana:

Meaning of term "person" as used in Act.

Meaning of "employment agency."

Section 1. The term person when used in this Act, means and includes any individual, company, association or corporation, or their agents, and the term employment agency means and includes the business of keeping an intelligence office, employment bureau, or other agency or office for procuring work or employment for persons seeking employment where a fee or privilege is exacted, charged or received directly or indirectly for procuring or assisting to procure employment, work, or a situation of any kind, or for procuring or providing help for any person, whether such fee is collected from the applicant for employment or the applicant for help, excepting agencies for procuring employment for school teachers exclusively. The term fee as used in this act means money or other thing of value, or a promise to pay money or thing of value.

Agencies excepted.

Meaning of term "fee."

License to conduct employment agency.

Section 2. No person shall open, keep or carry on any such employment agency in the State of Montana, unless every such person shall procure a license therefor from the County Treasurer of the county in which such person intends to conduct such agency. Such license shall be granted upon the payment to said County Treasurer of a fee of Five Dollars ($5.00), annually for such employment agencies.

Fee for license.

Requirements of License.

Section 3. Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on said employment agency, and the number and date of such license.

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Application for license.

Section 4. The application for such license shall be filed not less than one month prior to the granting of said license and shall be accompanied by the affidavits of two or more persons who have known the applicant or the chief officer thereof, if the applicant is a corporation, for five years, stating that the said applicant or officer thereof is a person of good moral character.

Bond of applicant.

Section 5. The County Treasurer of each county shall require such person to file with his application for a license a bond in due form to the State of Montana in the penal sum of Three Thousand ($3,000.00) Dollars, with two or more sufficient sureties, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions, or requirements of this Act.

Action upon bond.

Section 6. If any person shall be aggrieved by the misconduct of any such licensed person, such person may maintain an action in his own name upon the bond of said employment agent in any court having jurisdiction of the amount claimed.

Register to be kept by licensed persons.

Section 7. It shall be the duty of every such licensed person to keep a register, approved by the County Treasurer, in which shall be entered the date of every application for employment; the name and address of the applicant; the amount of the fee received. Such licensed person shall also enter in a separate register approved by the County Treasurer, the name and address of every applicant for help, the date of such application, the kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon. The aforesaid registers of applicants for employment and for help shall be open during office hours to inspection by the County Treasurer.

Also separate register of applications for help.

Registers must be open to inspection of county treasurer.

Maximum fee chargeable to applicants for employment.

Section 8. The fees charged applicants for any employment shall not exceed the sum of Three Dollars ($3.00). In case the applicant through no fault, neglect or refusal of his own shall not obtain help or employment, through such agency, then such licensed person shall on demand, repay the full amount of the said fee, allowing five days' time to determine the fact of the applicant's failure to obtain help or employment.

Repayment of fee under certain conditions.

Delivery of receipt to applicants for employment.

Section 9. It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated, the name of said applicant; the date and amount of the fee; and the purpose for which it is paid, and to every applicant for help a receipt stating the name and ad-

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dress of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt shall have printed on the back thereof a copy of this section.

Emoluments of licensed persons confined to lawful fees.

Section 10. No such licensed person shall receive or accept any valuable thing or gift as a fee in lieu thereof and no fee shall be accepted by such licensed person for any other purpose directly or indirectly by any pretense or subterfuge employed to evade the interest or purpose of this section except as herein provided. No such licensed person shall divide fees with contractors or other employees to whom applicants for employment are sent.

Applicants for help entitled to card.

Section 11. Every such licensed person shall give to each applicant for employment a card containing the name and address of such employment agency and the written name and address of the person to whom the applicant is sent for employment.

Posting copies of Act.

Section 12. Every such licensed person shall post in a conspicuous place in each room of such agency a plain and legible copy of this Act.

Employment of contract laborers outside of county of agency, how regulated.

Section 13. Whenever such licensed person or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the county in which such agency is located, the said licensed person shall file with the County Treasurer within five days after the contract is made, a statement containing the following items; name and address of the employer, name and address of the employee; nature of work to be performed; hours of labor; wages offered; designation of the persons employed; and terms of transportation.

Protection of female help from evil influences.

Section 14. No such licensed person shall send or cause to be sent any female help as servants or inmates to any questionable place, or place of bad repute, house of illfame, or assignation house, or to any house or place of amusement kept for immoral purposes, the character of which such licensed person could have ascertained upon reasonable inquiry.

False and fraudulent advertising.

Requirement as to name and address of employment agency.

Section 15. No such licensed person shall publish or cause to be published any false or frauduient notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letterheads, receipts, and blanks shall contain the name and address of such employment agency and no such licensed

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person shall give any false information, or make any false promise concerning employment to any applicant who shall register for employment or help. False information and promises.

Section 16. Any violation of the provisions of this Act shall constitute a misdemeanor punishable by a fine of not less than One Hundred ($100.00) Dollars, nor more than Five Hundred ($500.00) Dollars, or imprisonment for a period of not more than ninety (90) days, or by both such fine and imprisonment. Penalty for violation of Act.

Section 17. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 18. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1919.

CHAPTER 226.

"An Act to Provide for the Creation, Organization and Classification of New Counties; for Locating County Seats; for the Election and Appointment of Officers; for the Adjustment and fulfillment of the Rights and Obligations Arising Between Such New Counties and Other Counties; and to Repeal Chapter 139 of the Session Laws of the Fourteenth Legislative Assembly of 1915."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. New counties may from time to time be formed and created in this State from portions of one or more counties, which shall have been created and in existance for a period of more than two years, in the manner set forth and provided in this Act; provided, however that no new county shall be established which shall reduce any county to an assessed valuation of less than Eight Million Dollars, inclusive of all assessed valuation as shown by the last preceding assessment; nor shall any new county be established which shall reduce the area of any existing county from which territory is taken to form such new county, to less than twelve hundred (1,200) square miles of surveyed land, exclusive of all forest reserve and Indian Reservations within old counties, nor shall any new county be formed which contains an assessed valuation of property less than Four Million Dollars, inclusive of all assessed valuation as shown by the last preceding assessment, of the county or coun- New counties may be formed, when and how. No old county to be reduced to less than eight millions in assessed valuations, or to less than twelve hundred square miles of designated lands. New county must have not less than four million of assessed valuation.

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Nor less than one thousand square miles, exclusive of what lands.

Minimum distance of county line from old county seat.

Exception and petition in excepted cases.

ties from which such new county is to be established, nor shall any new county be formed which contains less than one thousand square miles of surveyed land exclusive of all forest reserve land, or Indian Reservations, not open for settlement, nor shall any line thereof pass within fifteen miles of the Court House Situate at the county seat of the county sought to be divided; provided that such county line may be run within a distance of ten miles of a county seat in cases where the natural contour of the county, by reason of mountain ranges or other topographical conditions, are such as to make it difficult to reach the county seat, and in such cases a petition signed by at least fifty-eight per cent of the voters in the proposed new county shall be presented to the Judge of the District Court in which the county affected is located, asking for the appointment of a commission of five disinterested persons who shall determine if the topographical conditions are such as to warrant the fixing of the county division lines closer than at fifteen miles from the county seat, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in Section 2 of this Act.

Boundaries to be determined, when.

Liability of new or enlarged county for pro rata portion of debt of old county.

Every county which shall be enlarged or created from the territory taken from any other county or counties shall be liable for a pro rata proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken, and shall be entitled to a prorata proportion of the assets of the county or counties from which such territory is taken, to be determined as hereinafter provided.

Petition to create new county to be presented to whom.

Section 2. Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of such then existing county or counties, a petition shall be presented to the Board of County Commissioners of the county from which the new county is to be formed in case said proposed new county is to be formed from but one county; or to the Board of County Commissioners of the County from which the largest area of territory is proposed to be taken for the formation of such new county, in case said new county is to be formed from portions of two or more existing counties; and such Board of County Commissioners shall be empowered and have jurisdiction to do and perform all acts provided for to be done or performed in this Act, for each of the several counties from which any proposed territory is to be taken, and shall direct that a certified copy of all orders and proceedings had before such Board

Power and duty of board of county commissioners.

Certified copies of all orders and proceeding to be delivered to whom.

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of County Commissioners shall be certified by the County Clerk to the Board of County Commissioners of each of the several counties from which any territory is taken by the proposed new county; and all officers of any such county shall comply with the orders of the Board of County Commissioners in the same manner as if said order had been duly made by the Board of County Commissioners of each respective county from which territory is proposed to be taken. Such petition shall be signed by at least fifty-eight per cent of the qualified electors of the proposed new county, whose names appear on the official registration books and who are shown thereon to have voted at the last general election preceding the presentation of said petition to the Board of County Commissioners as herein provided; provided that in cases where the proposed new county is to be formed from portions of two or more counties, separate petition shall be presented from the territory taken from each county; and each of said separate petitions shall be signed by at least fifty-eight per cent of the qualified electors of each of said proposed portions. Such signatures need not all be appended to one paper but may be signed to several petitions which must be similar in form, and when so signed the several petitions may be fastened together and shall be treated and presented as one petition.

Duty of county officers of the several counties to comply with what.

Number and qualifications of electors signing petition.

When separate petitions are required.

Signatures need not be all on one paper.

Such petition or petitions shall contain:

Contents of petitions required.

1. A particular description of the boundaries of the proposed new county.

2. A statement that no line thereof passes within fifteen miles of the court house situate at the county seat of any county proposed to be divided, except as hereinafter in this Act provided.

3. A statement of the assessed valuation of such proposed county as shown by the last preceding assessment, inclusive of all assessed valuation.

4. A statement of the surveyed area in square miles which will remain in the county or counties from which territory is taken to form such new county, after such county is formed, and a statement of the surveyed area in square miles which will be in the new county after formed.

5. The name of the proposed new county.

6. A prayer that such proposed new county be organized into a new county under the provisions of this Act.

There shall be attached and filed with said petition or petitions an affidavit of five qualified electors and tax-

Verification of petition shall set forth what.

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payers residing within each county sought to be divided, to the effect that they have read said petition and examined the signatures affixed thereto, and they believe that the statements therein are true, and that it is signed by at least fifty-eight per cent of the qualified electors as herein provided, of the proposed new county, or of the proposed portion thereof, taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties; that the signatures affixed thereto are genuine; and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing.

Verified petition to be accepted as prima facie evidence of what.

Such petition or petitions so verified and the verification thereof shall be accepted in all proceedings permitted or provided for in this Act, as prima facie evidence of the truth of the matters and facts therein set forth.

Clerk shall fix time for hearing of petition.

Upon the filing of such petition or petitions and affidavits with the Clerk of the said Board of County Commissioners, said Clerk shall forthwith fix a date to hear the proof of the said petitions and of any opponents thereto, which date must be not later than thirty days after the filing of such petition with the clerk of said Board.

Publication of notice of hearing of petition.

The county Clerk shall also at the same time designate a newspaper of general circulation published in the old counties, but not within the proposed new county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said County Clerk shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

NOTICE.

Form of notice.

Notice is hereby given that a petition has been presented to the Board of County Commissioners of..... County (naming the County represented by the Board of County Commissioners with which said petition was filed), praying for the formation of a new county out of portion of the said.....county and..... .....county (naming the county or counties of which it is proposed to form the new county), and that said petition will be heard by the said Board of County Commissioners at its place of meetings (designating the city or town and the day and hour of the meeting so to be held), and when and where all persons interested may appear and oppose the granting of said petition and make any objections thereto.

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Dated at.....at.....Montana.

..... County Clerk.

Bond of petitioners to secure costs and expenses of election.

Said petitioners shall on or before the date fixed for said hearing, file with the said Board of County Commissioners a bond to be approved by said Board, in an amount of Five Thousand Dollars ($5,000.00) payable to the county in which said petition is filed, conditioned that the obligators named in said bond will pay to said county all expenses incurred in the election provided for in this Act, not exceeding the amount specified in said bond, in the event that at the election herein provided for more than forty-two per cent of the votes cast at said election are "for the new county of..... (naming the proposed new county)" "No."

Hearing of petition.

At the time so fixed for said hearing, the Board of County Commissioners shall proceed to hear the petitioners and any opponents and protestants upon the petition or protests filed on or before the time fixed for the hearing. No petition or protest or petition for the exclusion of territory shall be considered unless the same is filed at least one day before the time fixed for the hearing, and such petition for the exclusion of territory shall contain the names of not less than fifty per cent of the qualified electors who are resident property tax payers of any territory to be excluded. All such territory being excluded must be in one block, and contain an area of not less than thirty-six square miles, and be totally within one county, and contiguous thereto, and the Board of County Commissioners may adjourn such hearing from time to time, but not for more than ten days after the time fixed for the hearing, and shall receive the proof to establish or controvert the facts set forth in said petition. No withdrawals of signatures to the original petition for the creation of a proposed county shall be filed or considered which have not been filed with the County Clerk on or before the date fixed for the hearing. No withdrawals of any signature from the petition for the exclusion of territory shall be received or considered which is not filed within five days after the filing of the petition for such exclusion of territory.

Protests and petitions excluding territory must be filed before what time.

Number of signatures required.

What territory may be excluded.

Adjournments of hearing.

Withdrawals of signatures.

Board shall determine, by resolution, what.

The Board of County Commissioners on the final hearing of such petition or petitions shall, by a resolution entered on its minutes, determine:

1. The boundaries of the proposed new county and the boundaries so determined by said Board of County Commissioners shall be the boundaries of such proposed new county, if it be created as herein provided.

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2. Whether the said petition contains the genuine signatures of at least fifty-eight per cent of the qualified electors of the proposed new county as herein required, or in cases where separate petitions are presented from portions of two or more existing counties as herein required, whether each petition is signed by at least fifty-eight per cent of the qualified electors of that portion of each of such existing counties which it is proposed to take into the proposed new county.

3. Whether any line of the proposed new county passes within fifteen miles of the Court House situate at the county seat of any county proposed to be divided, except as hereinbefore in this Act provided.

4. Whether the proposed new county will contain property, according to the last preceding assessment, which will equal in amount at least Four Million Dollars, inclusive of all assessed valuation.

5. Whether the area of any existing county from which territory is taken to form such new county will be reduced to less than twelve hundred (1,200) square miles of surveyed land, by taking the territory proposed to be taken therefrom to form such new county.

6. Whether the area of the proposed new county will contain at least one thousand (1,000) square miles of surveyed land to form such new county.

7. The class to which said proposed new county after its creation will belong and the name of said proposed new county, as stated in such petition.

8. Whether the area embraced within the proposed new county will be reasonably compact.

Territory to be excluded and boundaries defined by board, when.

On final hearing the Board of Commissioners, upon petition of not less than fifty per cent of the qualified electors (as shown by the official registration books on the day of the filing of any such petition) of any territory lying within said proposed new county contiguous to the boundary line of the said proposed new county and of the old county from which such territory is proposed to be taken, and lying entirely within a single old county and described in said petition, asking that said territory be not included within the proposed new county, must make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries. On final hearing the Board of Commissioners, upon petition of not less than fifty per cent of the qualified electors who are resident property tax payers of any territory lying outside said proposed new county, and contiguous to the

Changes in boundary lines to be fixed when territory included.

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boundary line of said proposed new county, and of the old county or counties from which such territory is proposed to be included, asking that said territory be included within the proposed new county, must make such changes in the proposed boundaries as will include such territory in such new county, and shall establish and define such boundaries provided, however, that the segregation of such territory from any old county or counties shall not leave such county or counties with less than Eight Million Dollars of assessed valuation, based upon the last assessment roll. Provided, that if any change or changes so made shall result in reducing the valuation of the proposed new county to less than an assessed valuation of Four Million Dollars, inclusive of all assessed valuation; and provided, further, that no change shall be made which shall leave the territory so excluded separate and apart from and without the county of which it was formerly a part; petitions for exclusion shall be disposed of in the order in point of time in which they are filed with the Clerk of the Board of County Commissioners, and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions, or to correct clerical errors or uncertainties.

Assessed valuation of old county not to be reduced below eight million dollars.

Changes reducing valuation of new county.

Excluded territory must be contiguous to its original county.

Petitions for exclusions to be disposed of in what order.

Section 3. If the said Board of County Commissioners determine that the formation of said proposed new county will not reduce any county from which any territory is taken to an assessed valuation of less than Eight Million Dollars, inclusive of the assessed valuation, nor the area thereof to less than twelve hundred (1,200) square miles of surveyed land, and that the proposed new county contains property of an assessed valuation of at least Four Million Dollars, inclusive of all assessed valuation and that the proposed new county has an area of at least One Thousand (1,000) square miles of land, and that no line of said proposed new county passes within fifteen miles of the Court House situate at the county seat of any county proposed to be divided, except as hereinbefore in this Act provided, and that said petition contains the genuine signatures of at least fifty-eight per cent of the qualified electors of the proposed new county, or in cases where separate petitions are presented from portions of two or more existing counties (as herein required), that each of said petitions contain the genuine signatures of at least fifty-eight per cent of the qualified electors of that portion of the proposed new county from

When all required conditions exist board of county commissioners shall proceed.

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Board of county commissioners to divide county into townships and road and school districts.

which it is taken, then the said Board of County Commissioners shall divide the proposed new county into a convenient number of township, road and school districts and define their boundaries and designate the names of such districts. Said Board of County Commissioners shall also, if necessary for the purpose of the election hereinafter provided for, change the boundaries of the election precincts in said old county or counties to make the same conform to the boundaries of the proposed new county; provided, that the boundary lines of no such precinct shall extend beyond the boundary lines of the then existing county in which it is located and from which the territory is proposed to be taken; and said Board shall appoint election officers to act at said election and to be paid by said Board. Within two weeks after its determination of the truth of the allegations of said petition as aforesaid, the said Board of County Commissioners shall order and give proclamation and notice of an election to be held on a specified day in the territory which is proposed to be taken for the new county, not less than ninety days nor more than one hundred and twenty days thereafter, for the purpose of determining whether such territory shall be established and organized into a new county; and for the election of officers and location of a county seat therefor, in case the vote at such election shall be in favor of the establishment and organization of such new county. All qualified electors residing within the proposed new county who are qualified electors of the county or counties from which territory is taken to form such proposed new county, and who have resided within the limits of the proposed county for a period of more than six months next preceding the day of election, and who are registered under the provisions of the registration laws of the State, shall be entitled to vote at said election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in the State of Montana. Such proclamation and notice of election shall be published at least once a week for three weeks before the holding of such election, in some newspaper of general circulation published in the territory which is proposed to be taken for the new county, and a copy thereof shall be mailed immediately by the County Clerk of the county in which the petition is filed to the County Clerk of each county from which territory is taken for the proposed new county. Such proclamation and

Change boundaries of election districts, when.

Appoint election officers.

Order and give proclamation notice of election on question of forming new county, locating county seat and electing officers.

Qualifications of electors.

Registration.

Publication of notice of election.

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notice shall require the voters to cast ballots which shall contain the words, "For the new county of..... (giving the name of the proposed new county)" "Yes," and "For the new county of.....(giving the name of the proposed new county)" "No," and each voter desiring to vote for the establishment and organization of said new county shall mark a cross (x) opposite the words, "For the new county of....." "Yes" in the manner now required by law in other elections, and each voter desiring to vote against the establishment and organization of said new county shall mark a cross (x) opposite the words, "For the new county of....." "No" in the manner now required by law in other elections; and shall also contain the names of persons to be voted for to fill the various elective offices designated in said proclamation for counties of the class to which said proposed county will belong, as determined by the Board of County Commissioners as herein otherwise provided. There shall also be printed upon said ballot the words, "For the County seat," and the names of all cities or towns which may have filed with the County Clerk a petition signed by at least twenty-five qualified electors, nominating any city or town within the proposed new county for the county seat, and the voter shall designate his choice for county seat by marking a cross (x) opposite the name of the city or town for which he desires to cast his ballot. At the special election to be held, as provided in this Act, the question of the election of the county seat is hereby provided to be submitted to the qualified electors of the proposed new county, and the majority of all the votes cast therefor shall determine the election thereon. In case any city or town fails to receive a majority of all the votes cast, then the city or town receiving the highest number of all votes cast shall be designated as the temporary county seat, and in case any city or town is not the choice of the election for the county seat by a majority of all the votes cast, the question of choice between the two cities or towns for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors at the next general election thereafter. When the county seat shall have been selected as herein provided, it shall not thereafter be changed except in the manner provided by law.

Form of ballots and the marking thereof.

Designating choice of county seat.

Majority vote to determine selection.

Designation of temporary county seat.

When question of county seat to be again submitted.

County seat once established may be changed, how.

The proclamation calling the election and the notice thereof provided for in this Act shall be made and given exclusively by the Board of County Commissioners with

Notice of such special election can be given only by whom.

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which is filed the said petition for the formation and establishment of such new county and such Board shall cause the Clerk of said county to furnish to the officers of each precinct in such proposed new county all ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes and other election supplies and equipment necessary to conduct such election and which are not hereinafter specifically directed to be furnished by the Clerk of another county or counties. Such election shall be governed and controlled by the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided. The returns of all elections for the creation of the county and for officers and for location of the county seat as provided for in this Act, shall be made to and canvassed by the Board of County Commissioners of the county from which the largest area is taken by the proposed county.

Supplies to be furnished election officers.

General election laws to apply.

Returns to be made to and canvassed by whom.

Registration lists to be furnished election officers by whom.

The County Clerk of each county from which territory is taken for the proposed new county shall, not less than five days before the date of such election furnish to each board of election within said proposed new county, a copy of the Official Register for the precincts of such proposed new county as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors at the last general election before the date of such election.

Returns to be made to whom.

All returns of election herein provided for shall be made to the Board of County Commissioners calling such election.

Nominations of candidates to be made, how.

All nominations of candidates for the office required to be filled at said election shall be made in the manner provided by law for the nomination of candidates by petition.

Laws which shall apply.

The provisions of the election laws relating to preparation printing and distribution of sample ballots, except the provisions of said laws relating to primary elections in this State shall have application to any election provided for in this Act.

County commissioners to declare new county formed when fifty-eight per cent vote in favor.

Contents of resolution.

Section 4. If upon the canvass of the votes cast at such election it appears that fifty-eight per cent of the votes cast are, "For the new county of....." "Yes," the Board of County Commissioners shall by a resolution entered upon its minutes declare such territory duly formed and created as a county of this State, of the class to which the same shall belong, under the name of .....County, and that the city or town receiving

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the highest number of votes cast at said election for county seat shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the person receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices. Said Board shall forthwith cause a copy of its said resolution, duly certified, to be filed in the office of the Secretary of State, and ninety (90) days from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed, and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as required by the laws of the State. The Clerk of the Board of County Commissioners with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of said County. The persons elected members of the Board of County Commissioners and the County Clerk shall immediately, upon receiving their certificates of election, assume the duties of their respective offices.

Certified copy of resolution to be filed where.

County comes into existence, when.

Certificates of election.

County clerk and county commissioners to assume office, when.

The Board of County Commissioners shall have authority to provide a suitable place for the county officers and to purchase such supplies as may be deemed necessary for the proper conduct of the county government. All other officers take office ninety (9) days after the filing of the resolution herein provided for with the Secretary of State. All the officers elected at said election, or appointed under this Act, shall hold their offices until the time provided by general law for the election and qualification of such officers in this state and until their successors are elected and qualified, and for the purpose of determining the office of such officers, the years said officers are to hold office are to be computed respectively from and including the first Monday after the first day of January following the last preceding general election. If, however, upon such canvass it appears that more than forty-two per cent of the votes cast at said election are "For the new county of....." "No," the Board of County Commissioners canvassing said vote as provided herein shall pass a resolution in accordance therewith and thereupon the proceedings relating to division of such county or counties shall cease; and no other proceedings

Quarters for county officers and supplies.

Other officers to take office, when.

Term of office.

When vote is against formation of new county.

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When new proceedings to establish new county may again be had.

in relation to any other division of said old county or counties shall be instituted for at least two years after such determination.

Officers who are to be chosen at such election.

Section 5. At the election provided for in Section 3 of this Act there shall be chosen such county, township and district officers as are now or may hereafter by general law be provided for in counties of the class to which the said new county is determined to belong, as herein provided; provided, that all duly elected, qualified and acting officers of the county or counties, who may reside within the proposed new county, shall be deemed to be officers of said new county if they file with the Board of County Commissioners, whose duty it shall be to call the election, within five days after the final hearing and determination of said petition for such proposed new county, their intention to become officers of said proposed new county and the Board of County Commissioners issuing the proclamation of any election, as in this Act provided, shall omit providing for the election of any such officers as may have filed their declaration as herein provided; and provided, also, that all duly elected, qualified and acting justices of the peace and constables residing within the proposed new county at the time of the division of such county into townships, as hereinbefore in Section 3 hereof provided, shall hold office as such justices of the peace or constables in said county for the remainder of the term for which they were elected on qualifying as justices of the peace or constables for the respective townships in which they reside, when said townships are organized as provided in this Act; provided, further, that all duly elected, qualified and acting school trustees residing within the proposed new county at the time of the division of such county into school districts, as hereinbefore in Section 3 hereof provided, shall hold office as school trustees in said new county for the remainder of the term for which they were elected on qualifying as school trustees for the respective districts in which they reside, as said districts are organized as provided by this Act. Each person elected or appointed to fill an office of such new county under the provisions of this Act shall qualify in the manner provided by law for such officers, except as herein otherwise provided, and shall enter upon the discharge of the duties of his office within such time as herein provided, after the receipt of the certificate of his election. Each of such officers may take the oath of office before any officers authorized by the laws of the State of Montana to administer oaths, and the bond of

Elected officers shall file a declaration to the effect that they intend to become such, when.

Justices of the peace and constables continued in office until what time.

Old school trustees to hold over to end of term.

Elected officers to qualify, how.

Oath of office.

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any officer from which a bond is required shall be approved by any Judge of the District Court of the district to which such new county is attached for judicial purposes. The officers elected or appointed under the provisions of this Act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected in the counties of the class to which such new county shall have been determined to belong, as herein provided under the general classification of counties in this State.

District judge to approve bonds of officers.

Compensation.

Said new county when created and organized in pursuance of the provisions of this Act shall be attached to such judicial district as may be designated by the Governor of the State of Montana, in a proclamation to be issued by him, designating such new county as attached to the particular judicial district for judicial purposes.

New county to be attached to what judicial district and how.

Section 6. It shall be the duty of the persons elected to or continuing to hold the office of County Commissioners of said new county to meet at the county seat thereof within five days after all of them shall have qualified, and upon organization of said Board of County Commissioners it shall notify the Governor of the State of the organization of said county, and thereupon it shall be the duty of the Governor to appoint three persons, one of whom shall be a resident and a taxpayer within the new county and no two of whom shall be from any one county, the three persons so appointed shall form and be a Board of Commissioners. Such Commissioners shall, within ten days after the notice of the appointment, meet at the county seat of the new county and organize by electing from their number a chairman, and also elect a secretary who must not be a member of said Commission. Thereafter such Commission may meet at such place or places as it may select. A majority of such Commissioners shall constitute a quorum for the transaction of business. Said commission shall have power to compel by citation or subpoena, signed by their president and secretary, the attendance of such persons and the production of such books and papers before said Commission as may be required in the performance of the duties imposed by this Act, except that the official records of any county or counties from which said new county was formed shall in no case be taken away from the county seat of said county. It shall be the duty of the sheriff of any county to execute in his county all lawful orders and citations of the said Commission; and for any services so performed the sheriff shall be allowed the same fees as are allowed

Organization of board of county commissioners.

Notice to Governor.

Appointment of a board of commissioners.

Organization of board of commissioners.

Other meeting places.

Quorum.

Powers concerning procurement of evidence.

Duty of sheriffs and their fees.

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to him for services in civil actions; and all witnesses attending before said Commission shall be entitled to the same compensation and mileage as is allowed to witnesses in courts of record; provided, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making such service to tender to such witness his fees and mileage in advance.

Witness fees and mileage.

Can not demand fees and mileage in advance.

Pro rating election expenses.

Section 7. Said Board of Commissioners shall immediately after its organization ascertain the costs of the election held hereunder, and apportion the same pro rata among each of the counties from which territory was taken to form such new county, shall ascertain the indebtedness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election was declared by the Board of County Commissioners, as hereinbefore provided, and also ascertain the total value of all property at the time belonging to each of said counties from which territory was taken and situated within the limits of said old counties, respectively. It shall also ascertain the assessed value of all property in each of the original old counties from which territory was so taken, according to the last completed assessment made for said county, and also the assessed value, under the same assessment, of all property within the territory of the new county which shall have been taken from the old county or counties from which said new county was formed. They shall then find the difference between the amount of the indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election, as hereinbefore provided, and if such indebtedness exceeds the value of such property belonging to the old county, the new county shall pay to the old county a due proportion thereof, to be determined as follows:

Shall ascertain the indebtedness of the several counties and total value of property of each county.

Assessed value of the property in the old counties and of the new county.

Proportion of debts of old county which shall be paid by new county, and when.

"As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this Act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county."

Board of commissioners shall certify what to the old and new county commissioners.

Said Board of Commissioners shall certify forthwith to the Board of County Commissioners of the new county and the old counties thereby affected, the amount constituting the due proportion of said excess payable by such new county to each of them; also the value of any prop-

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erty belonging to each old county at the time when said division took effect (as hereinbefore provided) which is situated in the new county. The sum of said ascertained value of said last mentioned property added to the ascertained proportion of said excess which the new county is to pay the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said property situated as aforesaid in the new county shall upon settlement therefor, as provided in this Act, become the property of the new county; and the old county shall pay the entire indebtedness against it, and the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof, as hereinbefore provided. The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county, in the manner and at the ratio in said section provided. If upon the settlement between the old and the new county as herein provided for, the new county shall be found to be indebted to the old county, or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in said new county, and said new county shall pay the same; provided, however, that such payment by said new county may be made in not more than three equal annual payments or by funds to be derived from the sale of bonds of said new county, as may be determined by a resolution of the Board of County Commissioners of said new county, adopted within one year after the receipt of the statement from the Board of Commissioners as aforesaid of the amount or amounts due from it. If the value of the property belonging to the old county exceeds the indebtedness of the old county, then the old county shall pay to the new county a due proportion of such excess, which proportion shall be determined by the Board of Commissioners and shall be paid by the old county to the new county in the same manner and subject to the same conditions herein provided for payment by the new county to the old county, when the indebtedness of the old county exceeds the value of the property in the old county. In the determination of the value of county property all buildings and their furniture, real estate, road tools and machinery and all steel bridges which may have been constructed and in use for a less

What sum the new county shall pay.

Property which srall become property of new county.

Old county to pay all indebtedness against it.

Expenses of the election.

Proceedings prescribed to be taken as between what counties.

Tax levy to pay amounts due upon settlement.

May settle in three annual payments or issue bonds for purpose.

Old county to pay new the amount of property value in excess of indebtedness, when and how.

What county property is to be taken into consideration.

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period than ten years, shall be taken into consideration by the said Commissioners.

Transfer of delinquent taxes.

Delinquent taxes due to the old county against property situated in the new county shall be transcribed in and collected by the new county.

Compensation of board of commissioners and expenses.

Section 8. Members of the Board of Commissioners provided for under this Act shall receive a compensation of not to exceed Eight Dollars ($8.00) per day for every day they are actually employed under the provisions of this Act, all of which expenses, together with the reasonable expenses of stationery, postage and incidental expenses, shall be borne in equal proportions by the counties affected by such division, including said new county and the amounts payable by each county shall be paid by the Treasurers of the respective counties, after the same shall have been presented to and allowed by the Board of County Commissioners, as is provided by law for claims against any county.

Duty of officers concerning assessment and collection of taxes.

Act of officers of old county shall be deemed acts of whom.

Duties of officers of old counties concerning tax collection matters.

Section 9. After the creation of a new county, as herein provided, its officers shall proceed to complete all proceedings necessary for the assessment or collection of the state and county taxes for the then current year, and all acts and steps theretofore taken by the officers of the old county or counties prior to the creation of the new county shall be deemed and taken as having been performed by the officers of the new county for the benefit of the new county; and upon the creation of the new county it shall be the duty of the officers of the old county or counties to immediately execute and deliver to the Board of County Commissioners of such new counties copies of all assessments or other proceedings relative to the assessment and collection of the current state and county taxes of property in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceedings had been originally had in the new county, and such certified copies shall be taken and deemed as originals and original proceedings in the new county, and all proceedings therein recited shall be taken and deemed as original proceedings in the new county, and shall have the same effect as if the proceedings therein stated had been had at the proper time and in the proper manner by the respective officials of the new county; and the officials of the new county are hereby authorized and directed to proceed thenceforth with the assessment and collection of said taxes as if the proceedings originally had in the

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old county or counties had been originally had in the new county.

Duty of county superintendent of schools of old counties.

Section 10. The County Superintendent of Schools of the old county or each of the old counties, respectively, shall furnish the County Superintendent of Schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and shall certify to the Board of County Commissioners the amount due; and said Board shall order a warrant drawn on the Treasurer of the new county for all the money that is or may be due by any apportionment or otherwise to the different school districts embraced in the new county from his county; and the County Treasurer shall certify to the County Commissioners the amount due in the different road funds, and the County Commissioners shall order a warrant drawn on the Treasurer of their county in favor of the new county for all money that is or may be due by apportionment or otherwise to the different road and district funds in the territory set apart to form the new county from their county, which said amounts shall be properly credited in both counties. And whenever in the formation of a new county a road or school district has been divided, the Board of County Commissioners shall by resolution direct the Treasurer to transfer the proper proportionate amount of the money remaining in the fund of such district to the Treasurer of the new county.

Duty of officers concerning apportionment of school moneys.

Road funds.

Pro rating of funds when road or school districts have been divided.

Transcribing of records.

Section 11. The Board of County Commissioners of any new county formed as aforesaid must provide suitable books and have transcribed from the records of the old county or counties all such parts thereof as relate to or affect property, or the title thereof, situated in the new county, and said records when so transcribed and certified, as herein provided, shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; providing that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens, and original affidavits of registration which may affect or relate to property or persons situate within the new county, shall be by the County Clerk of the old county delivered to the County Clerk of the new county and be preserved by said County Clerk of the new county as permanent files of such new county.

Force and effect of transcribed records.

Power of commissioners to contract for transcribing.

Record files which shall be delivered to new county.

Transfer of actions in rem to new county.

Section 12. All actions pending in the District Court of the old county or counties for the recovery of the pos-

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session of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate lying in the new county shall, on motion of any party thereto, be transferred to the District Court to which the new county may be attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the new county. All other actions or special proceedings pending in the District Court or Courts of said old county or counties, if said new county had been in existence at the date in which it is pending and on motion of any party interested therein shall be transferred to the District Court of such new county.

Transfer of other actions.

Publication and posting of notices.

Section 13. Whenever in this Act publication of any notice is provided for and no newspaper of general circulation is published within the territory in which said notice is required to be published, notice shall be given by posting copies of such notices in at least ten public places in such territories for the same length of time said notice was required to be published.

Representatives in State Legislature.

Section 14. The territory within the limits of any new county, until otherwise provided by law, shall be entitled to representation in the State Senate by one State Senator; and to representation in the House of Representatives by one member of the House of Representatives.

Violation of provisions of Act by any officer a misdemeanor and malfeasance in office.

Penalty.

Section 15. Any member of the Board of County Commissioners or any other officer who unlawfully and knowingly violates any of the provisions of this Act, or fails or refuses to perform any duty imposed upon him hereunder, shall be guilty of a misdemeanor and of malfeasance in office, and shall be deprived of his office by a decree of a Court of competent jurisdiction, after trial and conviction.

Repealing clause and laws excepted therefrom.

Applicable to what counties.

Duty of board of county commissioners in such counties.

Section 16. All Acts and parts of Acts in conflict herewith are hereby repealed, with the exception: "This Act shall not apply in any cases whereby the election has been held under the Act passed by the Fifteenth Legislative Session for the creation of counties and a majority vote has been cast in favor thereof," but the provisions of this Act shall be deemed in full force and effect so far as they may effect any proposed new county now in process of creation, unless said new county can comply with the requirements of this Act; and it is hereby made the duty of the Board of County Commissioners which may have ordered any election in pursuance of existing laws, to immediately make an order annulling and setting aside all further proceedings in relation to such proposed new

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county, including an order to nullify and set aside any election order theretofore made; provided, if any order is made nullifying and setting aside any election as provided in this Section, any bond which may have been given in pursuance with the provisions of law relating to the costs of election for the creation of any proposed new county shall be deemed void, and no liability shall be incurred thereunder. Election bonds which shall be deemed void.

Section 17. This Act shall be in full force and effect from and after its passage and approval. Act to take effect.

Approved March 21, 1919.

APPENDIX

The following laws were passed by vote of the people at the General Election held November 5th, 1918.

(Referendum-Constitutional Amendment)

CHAPTER NO. 142.

Laws of 1917.

"An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Section 2 of Article 12 of the Constitution of the State of Montana Providing that Evidence of Debt May Be Exempt from Taxation."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Article 12 of the Constitution of the State of Montana be amended and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election. Proposed amendment to Constitution of state to be submitted.

Section 2. That Section 2 of Article 12 of the Constitution of the State of Montana be and the same is hereby amended to read as follows: Section 2 of Article 12 to be submitted.

"The property of the United States, the State, Counties, Cities, Towns, School Districts, Municipal Corporations and Public Libraries shall be exempt from taxation; and such other property as may be used exclusively for the agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, institutions of purely public charity and Property to be exempt from taxation.

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Evidences of debt secured by mortgage.

evidences of debt secured by mortgages of record upon real or personal property in the State of Montana, may be exempt from taxation."

Ballots to be separate.

Section 3. That separate official ballots shall be provided at the general election to be held in November, 1918, which shall have printed thereon the words, "For the amendment to the Constitution relating to exemption of mortgages from taxation," and the words, "Against the amendment to the Constitution relating to exemption of mortgages from taxation," and the elector shall indicate his preference by marking an X before the proposition for which he desires to vote and the result of the vote on said question shall be determined and declared as provided by law.

Form of question.

How preference to be indicated.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in force after its passage and approval.

Approved March 3, 1917.

The above Chapter, known as Chapter 142, House Bill 18 of the Fifteenth Legislative Assembly, was approved by the people at the general election held November 5, 1918, the Governor's Proclamation, issued on December 28, 1918, making the law effective from that date.

Vote:

For	55,296
Against	30,614

C. T. STEWART,
Secretary of State.

(Referendum-Bond Issue Terminal Grain Elevator at Great Falls)

CHAPTER 150.

Laws of 1917.

"An Act Authorizing the State of Montana to Become Indebted in the Sum of Two Hundred and Fifty Thousand ($250,000) Dollars in Excess of the Constitutional Limit and Over and Above any Bonded Indebtedness Heretofore Incurred and for Which it is Now Obligated; Providing for the Issuance and Sale of Bonds in the Name of the State to Acquire Funds for the Purchasing or Building of a Terminal Grain Elevator with Neces-

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sary Equipment at Great Falls, Montana, to be Owned, Controlled and Operated by the State and Used for the Storage and Marketing of Grain Purchased in Montana; Prescribing the Form of Such Bonds; Providing for the Levying of a Tax to Pay the Principal Thereof and the Interest Accruing Thereon; Providing for the Submission to the Qualified Electors at the Next General Election the Qeustion of the Issuance of Such Bonds and Prescribing the Form of the Ballots to be Used and the Duties of the State Board of Examiners Relative to the Issuance of such Bonds and the Duties of the Secretary of State Relative to the Submission of said Question to the Qualified Electors."

Be it enacted by the Legislative Assembly of the State of Montana:

Empowering State Board of Examiners to issue state bonds in the sum of $250,000.

Section 1. That the State Board of Examiners of the State of Montana is hereby authorized, empowered and directed to issue bonds in the name of the State of Montana, to an amount not exceeding the sum of two hundred and fifty thousand ($250,000) dollars in excess of contitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred for which the state is now obligated; that the money to be derived from the sale of said bonds, or so much thereof as may be required, shall be used for the purchasing or building of a terminal grain elevator with the necessary equipment at Great Falls, Montana, to be used for the storage and marketing of grain produced in Montana and the said money so acquired shall be deposited in the State Treasury of Montana and paid out as provided by law for said purpose and for no other purpose.

How proceeds of bonds shall be used.

Purchase property for terminal elevator at Great Falls.

Denomination and term of bonds.

Rate of interest.

Section 2. That the bonds provided for in this Act shall be issued in denomination of one thousand ($1,000) dollars each and shall become due in ten (10) years from the date of issuance and be redeemable and payable at the option of the state at any time after five (5) years from the date thereof at any interest paying period and shall bear interest at the rate of not exceeding five per cent (5%) per annum payable semi-annually on the fifteenth of June and December of each year at the office of the State Treasurer of the State of Montana and shall bear date as of the day of the issuance thereof.

Condition to be contained in bonds.

Section 3. That such bond issued under the provisions of this Act shall contain a condition substantially as follows:

"This bond is one of a series of state bonds of the denomination of one thousand ($1,000) dollars each of like

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tenor and date and numbered from one (1) to..... ..... (.....), inclusive, and aggregating the sum of..... dollars. The right is hereby reserved to redeem this bond at any regular interest paying period as stated herein by payment of the principal and interest in full to the date of redemption; provided, that not less than ten (10) days' notice shall be given by the State Treasurer in writing or by publication of such intention on the part of the state to make redemption."

Notice, form of, and how given.

The form of notice and method of giving same relative to the sale of such bonds shall be in accordance with the directions of the State Board of Examiners.

Charges for storage of grain in terminal elevator.

Money so collected to be deposited in Terminal Elevator Fund.

Fund to be used for what purpose.

Section 4. The State Board of Examiners shall make a charge of not more than two and one-half ($2\frac{1}{2}$) cents per bushel for grain stored in the terminal elevator and the money so received after paying the expense of maintaining the terminal elevator shall be paid into the State Treasury and credited to a separate fund designated as the "Terminal Elevator Fund," and said fund shall be used exclusively for the payment of the interest and redemption of such terminal elevator bonds herein provided for. If the money so paid into the "Terminal Elevator Fund" is not sufficient to pay the semi-annual interest on the bonds and the redemption thereof, then and in that event there shall be levied annually not exceeding one-half ($\frac{1}{2}$) of a mill on the dollar on all lands, agricultural in character, which said tax when collected by the county treasurer shall be accounted for and paid over to the State Treasurer to be by the State Treasurer held in the "Terminal Elevator Fund," which fund shall be used exclusively for the payment of the interest on such bonds and for the redemption thereof.

When a tax levy may be made against all agricultural lands, and for what purpose.

County assessors shall designate upon the assessment rolls the lands subject to said tax.

Section 5. That the county assessors of the counties in Montana, commencing with the year wherein the bonds herein provided for may be issued and continuing so long as such bonds or any part thereof or any interest thereon may remain unpaid shall designate upon the assessment rolls the lands subject to the tax in the foregoing section, provided for.

Form of bonds.

How executed.

Interest coupons.

Section 6. That the bonds herein referred to shall be in such form as may be prescribed by the attorney general and approved by the State Board of Examiners and shall be signed by the members of said Board and issued under the great seal of the State of Montana and shall be registered in the office of the State Treasurer. Said bonds shall have interest coupons attached covering the interest due semi-annually and shall have the lithographed fac-

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simile signature of the members of the State Board of Examiners affixed thereto.

How bonds shall be disposed of.

Section 7. That the bonds herein authorized and provided for shall be disposed of by the State Board of Examiners in such manner and upon such notice as seems for the best interests of the State in carrying out the terms and provisions of this Act and none of said bonds shall be sold for less than the face value thereof.

Shall not be sold for less than par value.

Duty of county clerk in furnishing ballots at next general election.

Section 8. That each county clerk in the state, at the next general election shall have separate ballots printed and furnished to each precinct in his county in the same manner as other ballots are furnished to be used by the electors to vote upon the question herein submitted to them for their approval. The separate ballots herein referred to shall have printed thereon the following:

What separate ballots shall have printed thereon.

☐ "For the law authorizing the issuance of state bonds in the sum not exceeding two hundred and fifty thousand ($250,000) dollars for terminal elevator purposes."
☐ "Against the law authorizing the issuance of state bonds in a sum not exceeding two hundred and fifty thousand ($250,000) dollars for terminal elevator purposes."

How ballots to be marked.

The electors shall vote said ballot by marking an "X" in the square in front of the proposition for which he desires to cast his ballot.

Money to be expended, how.

Section 9. That the money derived from the sale of the bonds hereinbefore referred to shall be expended for the purposes hereinbefore referred to and in the manner prescribed by the Legislative Assembly.

Section 10. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. That this Act shall be in full force and effect on and after its passage and approval.

Approved March 3, 1917.

The above Chapter, known as Chapter 150, House Bill No. 16, of the Fifteenth Legislative Assembly, was approved by the people at the general election held Novem-

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ber 5, 1918, the Governor's proclamation, issued on December 28, 1918, making the law effective from that date.

Vote:

For 54,215
Against 29,630

C. T. STEWART,
Secretary of State.

(Initiative Measure No. 12.)

A BILL

To propose by Initiative Petition a law to authorize and regulate the practice of Chiropractic in the State of Montana and to define the same and to license Chiropractors to practice in the State and to establish a State Board of Chiropractic Examiners and to define its powers and duties and to provide its compensation; to provide for Chiropractic license fees and the disposition of same, to provide penalties for the violation of this law and to repeal all acts and parts of acts in conflict herewith.

Be It Enacted by the People of Montana:

State Board of Chiropractic Examiners created.

Section 1. That there is hereby created and established a board to be known as the state board of Chiropractic examiners, and said board shall be composed of three (3) practicing Chiropractors of integrity and ability, who shall be residents of the State of Montana, and who shall have practiced Chiropractic continuously in the State of Montana for a period of at least one year. No two members of said board shall be graduated from the same school or college of Chiropractic.

Qualifications and number of members.

Governor to apoint board, when.

Sec. 2. The Governor of the State of Montana shall within thirty (30) days after the taking effect of this act, appoint three Chiropractors, who shall possess the qualifications specified in Section 1 of this act, to constitute the members of said board. Said members shall be so classified by the Governor that the term of office of one shall expire in one year, one in two years and one in three years from the date of appointment. Annually thereafter the Governor shall appoint one member who shall be a licensed Chiropractic practitioner and possessed of the qualifications specified in Section 1 of this act, to serve for a period of three years and shall fill all vacan-

Classification of terms of office.

Future appointments.

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cies in said board caused by death or otherwise as soon as practicable.

First meeting and organization of board.

Sec. 3. (a) Said Board of Chiropractic Examiners shall convene within thirty days after their appointment and elect annually a president, vice-president and a secretary-treasurer from their membership.

Regular meetings.

(b) Meetings of Board. The Board shall hold a regular meeting on the first Tuesday of October in each year at the capital of the State and shall hold special meetings at such times and places as the Board or a majority of the members thereof may designate. Provided, that not more than four meetings shall be held in any one year. A majority of the Board shall constitute a quorum.

Powers and duties of board.

(c) Said board shall have authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters coming within the scope of the Board.

Seal.

They shall adopt a seal, which shall be affixed to all licenses issued by them and shall from time to time adopt

Rules and regulations.

such rules and regulations as they deem proper and necessary for the performance of their duties, and they shall adopt a schedule of minimum educational requirements not inconsistent with the provisions of this law which shall be without prejudice, partiality or discrimination as to the different schools of Chiropractic. The secretary

Records.

of said board shall keep a record of the proceedings of the board which shall at all times be open to public inspection. Said board shall also keep on file with the Secretary of State a copy of their rules and regulations for public inspection.

License to practice to issue to members of board.

(d) A license to practice Chiropractic within this state shall be issued to the individual members of said board at the first meeting of said board upon payment of the regular fee as provided for in this act.

Unlawful to practice without license.

Sec. 4. It shall be unlawful for any person to practice Chiropractic in this state without first obtaining a license as provided in this act, provided however, that all persons practicing Chiropractic within this state for three

License to issue to whom without examination.

months prior to the passage of this law and holding a diploma or certifcate from a legally chartered school of Chiropractic of good repute may be licensed to practice Chiropractic in this state by submitting to said Board of Chiropractic Examiners said diploma or certificate and satisfying said board that they are the legal holders thereof, or by taking the examination herein provided for

Temporary permit to practice.

at any regular or special meeting of said Board, and, provided further that when application for examination for license is regularly filed with the Board as provided in

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Section 5 hereof, the Board may issue to the applicant a temporary permit to practice, good until the next meeting of the Board.

Applications to practice to be made to whom and contain, what.

Sec. 5. (a) Any person wishing to practice Chiropractic in this State, shall make application to said Board of Chiropractic Examiners through the secretary-treasurer thereof, upon such form and in such manner as may be prescribed and directed by the board at least fifteen (15) days prior to any meeting of said board. Each applicant shall be a graduate of a chartered Chiropractic school or college which teaches a course of three years of six months each or more, or its equivalent, requiring actual attendance in same. Applications shall be in writing and shall be signed by the applicant in his own hand writing and shall be sworn to before some officer authorized to administer oaths and shall recite the history of the applicant as to his educational qualifications, how long he has studied Chiropractic, of what school or college he is a graduate, the length of time he has engaged in clinical practice; accompanying the same with any proof thereof in the shape of diplomas, certificates, etc., and shall accompany said application with satisfactory evidence of good character and reputation.

(b) There shall be paid to the secretary-treasurer of the State Board of Chiropractic Examiners by each applicant for a license, a fee of $25.00, ten dollars of which shall accompany application and the remainder, $15.00 shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

Examinations.

Sec. 6. Examinations for license to practice Chirpractic shall be made by said board according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications. Such application shall be designated by a number instead of the applicant's name so that the identity will not be discovered or disclosed to the members of the board until after the examination papers are graded.

Designation of application.

(b) All examinations shall be made in writing, the subjects of which shall be as follows: Anatomy, physiology, symptomatology, diagnosis, chiropractic orthopedy, principles of Chiropractic and adjusting, sanitation and hygiene, urinalysis, gynecology, palpation. Additional subjects may be prescribed from time to time by the Board to meet new conditions. A license shall be granted to all applicants who shall correctly answer seventy-five (75) per centum of all questions asked, and if any applicant shall fail to answer correctly sixty (60) per centum of

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the questions on any branch of said examination he or she shall not be entitled to a license.

Chiropractic defined.

Sec. 7. Definition of Chiropractic. Chiropractic is the science that teaches that disease results from anatomic disrelation and teaches the art of restoring anatomic relation by a process of adjusting by the use of the hand.

(b) No other means of securing health shall be construed to be Chiropractic except the application of the inherent qualities at the time in the patient or appertaining to the Chiropractor.

Practitioners subject to what state and municipal regulations.

Sec. 8. Chiropractic practitioners shall observe and be subject to all state and municipal regulations relating to the control of contagious and infectious diseases; sign death and birth certificates and as to any and all matters pertaining to public health, shall report to the proper health officers the same as other practitioners.

Licensed Chiropractors permitted to practice what science and use what titles.

Sec. 9. Chiropractors licensed under this Act shall have the right to practice that science defined as Chiropractic under Section 7 and 7b, in accordance with the method, thought, and practice of Chiropractors and they shall be permitted to use the prefix Dr. or Doctor, as a title but shall not in any way imply that they are regular physicians or surgeons. They shall not prescribe for or administer to any person any medicine or drugs, nor practice medicine or surgey, nor osteopathy; except, that the use of antiseptics for purposes of sanitation and hygiene, and to prevent infection and contagion shall be permitted.

Shall not prescribe medicine or drugs.

Power of board to refuse to grant or to revoke license.

Sec. 10a. The State Board of Chiropractic Examiners may refuse to grant or revoke a license to practice Chiropractic in this state, or may cause a licentiate's name to be removed from the records in the office of the recorder of deeds in this state upon any of the following grounds, to-wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this act; the practice of Chiropractic under a false or assumed name or the impersonation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him or her for the performance of their professional duties. Any person who is a licentiate, or who is an applicant for a license to practice Chiropractic against whom any of the foregoing grounds for revoking or refusing a license is presented to said board with a view of having the board revoke or refuse to grant a license, shall be furnished with copy of

Grounds for refusing or revoking license.

Copy of complaint to be furnished whom.

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the complaint, and shall have a hearing before said board in person or by attorney, and witnesses may be examined by said board respecting the guilt or innocence of said accused.

Board may reinstate practitioner, when.

(b) Said board may at any time within two years of the refusal or revocation or cancellation of registration under this section, by a majority vote, issue a new license or grant a license to the person effected, restoring him to or conferring upon him all the rights and privileges of, and pertaining to the practice of Chiropractic as defined and regulated by this act. Any person to whom such have been restored shall pay to the secretary-treasurer the sum of $25.00 upon issuance of a new license.

Fee.

Record of license.

11. (a) Every person who shall receive a license from the State Board of Chiropractic Examiners shall have it recorded in the office of the recorder of deeds of the county of which he resides and shall likewise have it recorded in the counties to which he shall subsequently remove for the purpose of practicing Chiropractic.

Failure or refusal to have license recorded.

(b) The failure or refusal on the part of the holder of a license to have it recorded before he or she shall be in the practice of Chiropractic in this state after having been notified by the State Board of Chiropractic Examiners to do so, shall be sufficient grounds to revoke or cancel a license and render it null and void. The recorder shall keep for public inspection in a book provided for that purpose, a complete list and description of the licenses recorded by him. When any such licenses shall be presented to him for record he shall stamp upon the face thereof his signed memorandum of the date when such license was presented for record.

12. All persons practicing Chiropractic within this state shall pay on or before the first day of September of each year after a license is issued to them as herein provided, to said Board of Chiropractic Examiners a renewal license fee of five (5) dollars. The secretary-treasurer shall, thirty days or more before September 1st of each year mail to all Chiropractors in this state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in this act shall be construed so as to require that the renewal receipts shall be recorded as original licenses are required to be recorded.

Sec. 13. (a) All Examinations and renewal fees received by the State Board of Chiropractic Examiners under this act shall be paid to the secretary-treasurer of said board, who shall at the end of each month deposit the same with the state treasurer, and the said state

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treasurer shall place said money so received in a special fund of the State Board of Chiropractic Examiners and shall pay the same out in warrants drawn by the auditor of the state thereof, upon vouchers issued and signed by the president and the secretary-treasurer of said board. Said money so received and placed in said fund may be used by the State Board of Chiropractic Examiners in defraying their expenses in carrying out the provisions of this act.

(b) The secretary-treasurer shall keep a true and accurate account of all funds received and all vouchers issued by the board; and on the first day of December of each year he shall file with the governor of the state a report of all receipts and disbursements and the proceedings of said board for the fiscal year.

(c) The members of said board shall receive a per diem of ten ($10.00) dollars for each day during which they shall be actually engaged in the discharge of their duties, and mileage at the rate of three (3) cents per mile for each mile necessarily traveled in going to and from any meeting of said board.

(d) Such per diem and mileage and such other incidental expenses necessarily connected with said board shall be paid out of the fund of the State Board of Chiropractic Examiners and not otherwise.

14. The treasurer of said board shall give bond in such sum and with such sureties as the board my deem proper. Upon sufficient proof to the governor of the inability or misconduct of a member of the board, said member shall be dismissed and the governor shall appoint as his successor some licensed Chiropractic practicing in this state who shall be a graduate of a different school than those represented on the board.

Persons licensed by other states.

15. Persons licensed to practice Chiropractic under the laws of any other state having Chiropractic educational requirements equal to this act, may, in the discretion of the board, be issued a license to practice in this state without examination, upon payment of the fee of twenty-five ($25.00) dollars as herein provided.

Fee for license.

Misdemeanors.

16. Any person who shall practice or attempt to practice Chiropractic, or any person who shall buy, sell, or fraudulently obtain any diplomas or license to practice Chiropractic, whether recorded or not, or who shall use the title Chiropractor, D. C. Ph. C., or any word or title to influence belief that he is engaged in the practice of Chiropractic, without first complying with the provisions of this act, or any person who shall violate any of the

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provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One hundred ($100.00) dollars, nor more than Five hundred ($500.00) dollars, or by imprisonment in the county jail for not less than thirty (30) days or more than six months or by both such fine and imprisonment.

Penalty.

Act not to restrain whom.

Sec. 17. Nothing in this act contained shall be construed to restrain or restrict any legally licensed physician or surgeon or any legally licensed osteopath in the practice of his profession. The practice of Chiropractic as herein defined is hereby declared not to be the practice of medicine or surgery within the meaning of the laws of the State of Montana defining the same and is further declared not to be the practice of osteopathy within the meaning of the laws of the State of Montana defining the same. Duly licensed Chiropractors shall not be subject to the provisions of Sections 1594 to 1606 inclusive, of the Revised Codes of Montana of 1907, the same being Article VI of Chapter I of Title VII of Part III of the Political Code of the State of Montana, nor liable to any prosecution thereunder.

Chiropractic is not the practice of medicine or surgery.

Sec. 18. All acts and parts of acts in conflict herewith are hereby repealed.

The above Chapter, known as Initiative Measure No. 12, was passed by the people at the general election on November 5th, 1918, the Proclamation of the Governor on December 28, 1918, making the law effective from that date.

Vote:

For	46,302
Against	39,320

C. T. STEWART,
Secretary of State.

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HOUSE BILL NO. 1.

"An Act to Appropriate Money for the Payment of Mileage and Per Diem of the Members of the Sixteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety Thousand ($90,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of the money in the State Treasury, not otherwise appropriated, for the payment of the mileage and per diem of the members of the Sixteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1919.

HOUSE BILL NO. 2.

"An Act to Appropriate Money for the Payment of the Per Diem of the Officers and Attaches of the Sixteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifty-five Thousand ($55,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of the money in the State Treasury not otherwise appropriated for the payment of the Per Diem of the Officers and Attaches of the Sixteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1919.

HOUSE BILL NO. 5.

"An Act to Appropriate Money for the Incidential Expenses of the Sixteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifteen Thousand ($15,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of the money in the State Treasury, not otherwise appropriated, to pay the incidental expenses of the Sixteenth Legislative Assembly of the State of Montana.

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Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1919.

HOUSE BILL NO. 27.

"An Act appropriating money for the construction of a Fish Hatchery in conformity with the provisions of Section One of House Bill Number 195 of the Session Laws of the regular session of the Fifteenth Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated Twenty Thousand ($20,000.00) Dollars or so much thereof as may be necessary, out of the Fish and Game Fund of the State of Montana, for the construction of a fish hatchery in Park County, Montana, in conformity with the provisions of Section 1 of House Bill No. 195 of the Regular Session of the Fifteenth Legislative Assembly of the State of Montana, said section being a portion of a bill for an act to provide for the construction of a fish hatchery for the propagation of food fish and other fish, in Park County, Montana, and to appropriate money therefor, and printed on page 508 of said Session Laws.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 11, 1919.

HOUSE BILL NO. 31.

"An Act Appropriating Money to Pay the Traveling Expenses of Martha Pattee Ridge as Secretary of the Board of Charities and Reform."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Eight Dollars and twenty-seven cents ($108.27) or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency claim for traveling expenses of Martha Pattee Ridge, as Secretary of the Board of Charities and Reform.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1919.

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HOUSE BILL NO. 32.

"An Act Appropriating Money for the Payment of Deficiency Claims for Public Printing."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Thousand and Twelve Dollars and sixty-five cents ($4012.65) or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of deficiency claims for public printing during the years 1917 and 1918.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1919.

HOUSE BILL NO. 33.

"An Act Appropriating Money to Pay Deficiency Claims for the Maintenance, Operation and Management of the Montana State Prison."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of thirty thousand dollars ($30,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of deficiency claims incurred in the maintenance, operation and management of the Montana State Prison for the years 1917 and 1918.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1919.

HOUSE BILL NO. 34.

"An Act Appropriating Money to Pay Deficiency Claims for the Maintenance, Operation and Management of the Montana State Hospital for the Insane."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eighty-five Thousand Two Hundred Fifty Dollars ($85,250.00) or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of de-

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ficiency claims incurred in the maintenance, operation and management of the Montana State Hospital for the Insane, during the years 1917 and 1918.

Section 2. This Act shall be in full force and effect from and after its approval.

Approved January 31, 1919.

HOUSE BILL NO. 35.

"An Act making an Appropriation for a Refund of Money Illegally collected, as Taxes and Licenses, by the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eighteen Hundred ($1,800.00) Dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of claims against the State of Montana for money illegally collected by it as taxes and licenses.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1919.

HOUSE BILL NO. 36.

"An Act Appropriating Money to Reimburse John H. Kifer, Sheriff of Big Horn County, for Expenses Incurred in Traveling to Prescott, Arizona, and Returning Therefrom to Montana with a Prisoner."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred Twenty-two Dollars and forty-three cents ($222.43), or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of reimbursing John H. Kifer, Sheriff of Big Horn County, for expenses incurred in traveling to Prescott, Arizona and returning therefrom to Montana with a prisoner.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 31, 1919.

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HOUSE BILL NO. 145.

"An Act Appropriating Money to Pay the Deficiency Claims Incurred in the Maintenance and Operation of the Montana Soldiers' Home for the Years 1917 and 1918."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated, Ten Thousand and Seventy-five Dollars and thirty-four cents ($10,075.34) out of any money in the State Treasury, not otherwise appropriated, to pay the deficiency claims incurred in the maintenance and operation of the Montana Soldiers' Home for the years 1917 and 1918.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1919.

HOUSE BILL NO. 266.

"An Act to Appropriate Money for the Maintenance, Improvement and Operation of the Fish Hatcheries of the State of Montana and for the Expense of the Montana Game and Fish Commission, and the Purchase of Equipment."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and hereby is, appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of Ten Thousand ($10,000.00) Dollars, for the maintenance and operation of the State Fish Hatchery at Anaconda, Montana, during the year 1919, and Ten Thousand ($10,000.00) Dollars out of the same fund for the maintenance and operation of said Hatchery during the year 1920, or so much thereof as may be necessary each year for the successful operation of said Hatchery during the time mentioned. Said sum to be available at any time up to and including the first day of March, 1921.

Section 2. That there be, and hereby is, appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of Ten Thousand ($10,000.00) Dollars, for the maintenance and operation of the State Fish Hatchery at Somers, Montana, during the year 1919; and Ten Thousand ($10,000.00) Dollars out of the same fund for the maintenance and operation of said Hatchery during the year 1920, or so much thereof each year as may be necessary for the successful operation of said Hatchery during the time mentioned herein, said sum to be available at any time up to and including the first day of March, 1921.

Section 3. That there be, and hereby is, appropriated out of any

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moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of Seven Thousand Five Hundred ($7,500.00) Dollars, for the maintenance and operation of the State Fish Hatchery in Park County, Montana, during the year 1919, and Seven Thousand Five Hundred ($7,500.00) Dollars out of the same fund for the maintenance and operation of said Hatchery during the year 1920, or so much thereof as may be necessary each year for the successful operation of said Hatchery during the time mentioned. Said sum to be available at any time up to and including the first day of March, 1921.

Section 3A. "That there be and hereby is appropriated out of any moneys in the State Fish and Game Fund not otherwise appropriated, the sum of $5,000.00 for the operation of the iFsh Hatchery at the upper Madison Dam in Gallatin County for the year 1919, and $5,000.00 for the year 1920, or so much thereof as may be necessary each year for the successful operation of said Hatchery during the time mentioned. Said sum to be available at any time up to and including the first day of March, 1921."

Section 4. That there be, and hereby is, appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of Two Thousand ($2,000.00) Dollars, or so much thereof as may be necessary, which shall be available for and be used in improvements contemplated and to be made at the Anaconda Hatchery, and that there be, and hereby is appropriated out of the same fund, the sum of Two Thousand ($2,000.00) Dollars, or so much thereof as may be necessary, which shall be available for and be used in improvements contemplated and to be made at the Somers Hatchery.

Section 5. That there be, and hereby is, appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of Twenty Thousand ($20,00.00) Dollars, or so much thereof as may be necessary for the purpose of purchasing for the use of the State of Montana, a fish car to be used by the State of Montana in the distribution of fish fry to different parts of the State, the said car to be purchased by and under the direction of the Montana Game and Fish Commission.

Section 6. That the sum of Five Hundred ($500.00) Dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated out of the State Fish and Game Fund, to be used by the Montana Game and Fish Commission in installing screen wheels in ditches diverting water from rivers or streams containing game fish; and the sum of Five Hundred ($500.00) Dollars, or so much thereof as may be necessary for the purpose of planting wild rice and other suitable food for ducks and geese in suitable places. The said sums to be available at any time during the years 1919 and 1920.

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That all of said sums herein appropriated are to be expended under the order and direction of the Montana Game and Fish Commission.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1919.

HOUSE BILL NO. 262.

"An Act to Appropriate Money for the Use, Support, Maintenance and Entertainment of Soldiers, Sailors and Marines from Montana in the Service of the United States in the War against Germany and her Allies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Twenty Five Thousand Dollars ($25,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the use, support, maintenance and entertainment of Soldiers, Sailors and Marines from Montana in the service of the United States in the War against Germany and her Allies.

Section 2. That so much of this sum as may be determined necessary by the Governor, shall be given or sent to any person or persons designated by him to meet Montana Soldiers, Sailors and Marines at the ports of entry in the United States on their return from foreign service and to be expended for their use, support, maintenance and entertainment either as a gift, loan or gratuity, or to aid them in their return to Montana and that so much of this fund as may be deemed necessary by the Governor shall be expended for the use, maintenance, support, and entertainment of Montana Soldiers, Sailors and Marines who have been in the service of the United States in the War against Germany and her Allies, upon their return to this State, and, if possible and feasible, make arrangements for a proper entertainment and celebration of these Montana men at some city or cities in the State of Montana when all or nearly all of these men have returned to Montana.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1919.

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HOUSE BILL NO. 310.

"An Act Appropriating Money to Exterminate Gophers on State Lands, in Co-operation with the United States Department of Agriculture."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In order to make possible the more complete extermination of Gophers within the State of Montana, there is hereby appropriated during each of the fiscal years 1919 and 1920, out of any money in the State Treasury not otherwise appropriated, the sum of $10,000.00, for the purpose of exterminating Gophers on State owned lands in counties that shall have created gopher extermination funds as provided by Chapter 96 of the 1917 Montana Session Laws.

Section 2. All money appropriated by this Act shall be administered and expended under the direction of the Extension Service of the Montana State College of Agriculture and Mechanic Arts, representing the State of Montana, and in co-operation with the Bureau of Biological Survey of the United States Department of Agriculture. But no part of said appropriation shall be paid for bounties.

Section 3. The word "gopher" as used in this Act shall include striped gopher, flicker-tail gopher, pocket-gopher, Columbian ground-squirrel, and prairie-dog.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1919.

SUBSTITUTE FOR HOUSE BILL NO. 346.

"An Act Appropriating Money for the Maintenance of the State University Pending the Receipt of Moneys due from the War Department of the United States on Account of Expenditures for the Student Army Training Corps."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Forty-Five Thousand Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the maintenance of the State University for the fiscal year ending February 28, 1919, in order to meet the emergency created by the delay of the War Department of the United States in reimbursing the State University for moneys expended on account of the Students' Army Training Corps and due said

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institution under the terms of the contract entered into with the War Department of the United States.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1919.

HOUSE BILL NO. 347.

"An Act Appropriating Money for the Return of the Inheritance of Pat Fleming Which Has Escheated to the State Under the Mistake That No Heir Existed."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Sixty-nine Dollars and thirty-nine cents ($169.39) be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the return of the inheritance of Pat Fleming as the Heir of Phillip Fleming, deceased, this money having escheated to the State of Montana under the mistake that no heir of said Phillip Fleming existed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

HOUSE BILL NO. 348.

"An Act Appropriating Money to Reimburse the State School of Mines Maintenance Fund for Expenditures Made on Account of the Quartering of United States Troops."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five thousand seven hundred seventy-three and fifty-four one-hundredths dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, in order to reimburse the State School of Mines maintenance fund for expenditures made on account of the quartering of United States troops on guard duty in the city of Butte.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

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HOUSE BILL NO. 350.

"An Act Appropriating Money to Pay the Claims of Certain Individuals upon the Indebtedness Incurred by the Montana National Guard for Goods and Supplies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following amounts are hereby appropriated out of any fund in the State Treasury not otherwise appropriated to pay expenses of the Montana National Guard and are to be paid to the following individuals in the sums set opposite their names, to-wit:

Goodman Cigar Co., Helena, Montana	$33.68
The Motor Mark Co., Inc., Choteau, Mont.	25.00
R. C. Wallace Co., Helena, Montana	56.24
M. J. Walsh, Livingston, Montana	18.18

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1919.

HOUSE BILL NO. 373.

"An Act Appropriating Money to the State Board of Health for the Purpose of suppressing or Preventing Epidemics of Communicable Diseases for Two Years, Commencing March 1st, 1919, and Ending February 28, 1921."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of twelve thousand ($12,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated to the State Board of Health for the purpose of suppressing and preventing epidemics of communicable diseases for the period commencing March 1st, 1919, and ending February 28, 1920.

Section 2. That the sum of twelve thousand ($12.000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated to the State Board of Health for the purpose of suppressing and preventing epidemics of communicable diseases for the period commencing March 1st, 1920, and ending February 28, 1921.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

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HOUSE BILL NO. 397.

"An Act to Appropriate Money from the Bounty Fund for the Payment of Certain Bounty Claims Which Were Disallowed by the State Board of Examiners Owing to Technical Errors in the Proof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand Forty-nine Dollars ($5049.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the Bounty Fund not otherwise appropriated for the payment of the claims of the following named persons, firms or corporations for bounties, which claims were disallowed by the State Board of Examiners owing to technical errors in the proofs:

Claimant	Amount
F. G. Bassett	$634.00
Frank Nelson	373.00
K. L. Devine	87.50
J. A. Archambault	52.00
J. E. Chambers	12.00
A. R. Jacobs	21.00
J. M. Lawson	498.00
T. J. Troy	348.00
Sol Price	109.50
A. B. Duke and Company	39.00
Ethel Greiner	37.50
Robert Ross	75.50
H. B. Schwartz	7.50
Sam Goodman	90.00
Bert Goon	15.00
Nellie Goon	147.00
Theo Kline	18.00
F. H. Johnson	108.00
George A. Wilson	47.50
Citizens' State Bank, Chouteau	22.50
August Crocker	15.00
Dom Grevitte	17.50
Frank Martin	32.50
Rosebud State Bank	97.50
Farmer's and Stockgrowers Bank, Glasgow	15.00
Ray Richter	10.00
Lee Treemby	25.00
T. J. Taylor	15.00
John Keller	15.00
Gilbert Larson	17.50
C. B. Mimer	25.00

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Stockmans National Bank, Fort Benton	$ 30.00
Fred Shumaker	12.50
John E. Trommer	12.50
G. F. Ventyke	12.50
First National Bank, Medicine Lake	17.50
William Ehlen	12.50
George M. Daley	22.50
Bert Chandler	17.50
Wallace Craig	20.00
H. N. Black	37.50
Holger V. Johnson	37.50
H. H. Miller	15.00
Riba State Bank, Plentywood	17.50
Banking Corporation, Helena	25.00
Mate Gillette	12.50
Oscar V. Goon	100.00
John Hart	10.00
Gus Karlson	15.00
R. M. Young	77.50
W. P. Nims	50.00
C. M. Bonine	42.50
First National Bank, Choteau	87.50
J. P. Kearns	50.00
L. E. Stiles	50.00
T. J. Kean	17.50
Wm. F. Ladwig	10.00
Dan Vonica	22.50
C. P. Withers	20.00
G. H. Adams	20.00
Adolph Anderson	15.00
Elmer Barker	17.50
Benton State Bank	20.00
Theodore Birkrem	30.00
Joseph Braun	12.50
Allen Brynieldson	22.50
S. Fred Cale	17.50
Byron L. Clow	77.50
F. Davis	15.00
W. A. Davis	22.50
Mike Eagen	33.00
Merle Embody	20.00
First National Bank, Malta	7.50
First National Bank, White Sulphur Springs	7.50
Claud Fruit	30.00
G. J. Gardipee	35.00
Frank Harejese	10.00
Chas. F. Haschke	20.00

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L. F. Haveman	$ 10.00
Carl E. Hysen	15.00
Floyd Johnson	7.50
Sam Johnson	17.50
V. Lawson	12.50
E. E. Leech	430.00
Otto Leese	7.50
Jas. Lodman	10.00
R. L. Lowry	24.00
J. B. Maddock	12.00
Madison State Bank	12.50
Milk River Valley Bank	30.00
Glen W. McGhuey	15.00
Soren H. Smith	10.00
Roy Straw	10.00
E. R. Thomas	17.50
Bert R. Lindsay	12.50
Ed. Rasle	12.50
Frank L. Reynolds	10.00
A. Slater	25.00
W. F. Lee	32.50
	$5049.00

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7th, 1919.

HOUSE BILL NO. 408.

"An Act Appropriating Money for the Payment of Deficiency Claims of the State Board of Medical Examiners for the Year Ending December 31, 1918."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eighteen Hundred ($1800.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims of the State Board of Medical Examiners for the year ending December 31, 1918.

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Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

HOUSE BILL NO. 437.

"An Act Appropriating Money for the Maintenance and Betterments and Expenses of the Several State Institutions of Montana for Two Years, Commencing March 1st, 1919, and Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for a period commencing March 1st, 1919, and ending February 29th, 1920.

State Institutions.

Maintenance State Insane Asylum and care of Insane and Inebriates, Three Hundred Fifty-four Thousand Two Hundred and Forty Dollars $354,240.00

Addition to men's hospital; Twenty One Thousand One Hundred and Seventeen Dollars ..... $ 21,117.00

Men's dormitory; Fourteen Thousand Nine Hundred Dollars ..... $ 14,900.00

Dormitory for women; ten Thousand Dollars ..... $ 10,000.00

Improvement on water works; Three Thousand Seven Hundred and Fifty Dollars ..... $ 3,750.00

Maintenance State Prison and care of prisoners Two Hundred and Five Thousand Dollars $205,000.00

Maintenance and betterments including new buildings of Tuberculosis Sanitarium, Eighty Five Thousand Dollars ..... $ 85,000.00

Maintenance and betterments State Industrial School, Fifty-four Thousand Seven Hundred and Fifty Dollars ..... $ 54,750.00

For Vocational Training School for Girls if established, Twelve Thousand Dolars ..... $ 12,000.00

Maintenance and betterments State University, Two Hundred Thirty Thousand Dollars $230,000.00

Buildings, Fifty Thousand Dollars ..... $ 50,000.00

Land, twenty Thousand Dollars ..... $ 20,000.00

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Athletics, Five Thousand Dollars (Vetoed) .....$ 5,000.00
To equalize students traveling fare for the Institutions of the University of Montana, Six Thousand Dollars....$ 6,000.00
Maintenance and betterments Agricultural, College, One Hundred Twenty-Two Thousand Dollars $122,000.00
Buildings and Land, Seventy Thousand Dollars .....$ 70,000.00
Athletics, Five Thousand Dollars (Vetoed) .....$ 5,000.00
Maintenance and betterments State School of Mines, Forty-five Thousand Dollars .....$ 45,000.00
Buildings, Fifty Thousand Dollars .....$ 50,000.00
Maintenance and betterments State Normal School, Eighty-five Thousand Dollars .....$ 85,000.00
Maintenance and betterments State Orphans Home, Eighty-seven Thousand Five Hundred Dollars .....$ 87,500.00
New Nursery and Domestic Science Buildings, Twenty Five Thousand Dollars .....$ 25,000.00
Maintenance and betterments State School for Deaf, Blind and Feeble Minded, One Hundred Thousand Dollars $100,000.00
New Buildings for Feeble Minded, Twenty-five Thousand Dollars .....$ 25,000.00
Maintenance and betterments Soldiers' Home, Forty Thousand Eight Hundred Dollars .....$ 40,800.00
For relief outside of Soldiers' Home of members of the State National Guard temporarily disabled, One Thousand Dollars .....$ 1,000.00

Miscellaneous

Montana Agricultural Experiment Stations, to be distributed as follows:
Maintenance and Equipment, Hume Station, Bozeman, Seventy-five Thousand Dollars .....$ 75,000.00
Maintenance and Equipment, Fergus County Dry Farm Sub-Station, Nine Thousand Dollars .....$ 9,000.00
Maintenance and equipment Horticultural Sub-Station, Four Thousand Five Hundred Dollars .....$ 4,500.00
Maintenance and equipment Huntley Sub-Station, Two Thousand Dollars .....$ 2,000.00
Maintenance and equipment, Grain Laboratory, Ten Thousand Dollars .....$ 10,000.00
Live Stock Selling Association, Two Thousand Dollars....$ 2,000.00
Poultry Husbandry, Two Thousand Dollars .....$ 2,000.00
Farmers Institutes, Ten Thousand Dollars .....$ 10,000.00
For Anti-Hog Cholera serum purchase .....$ 2,000.00
Women's Home Economic Extension Work, Fifteen Thousand Dollars .....$ 15,000.00

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For Farmers Extension work in co-operation with Federal Government under the Smith-Lever Act, and other Acts of Congress relating to such work, Sixty Thousand Dollars ..... $ 60,000.00

For maintenance and sinking fund of State Fair in addition to the money in the State Fair Fund, Thirty Thousand Dollars ..... $ 30,000.00

State Forestry Building, Ten Thousand Dollars ..... $ 10,000.00

Betterments and Improvements, Seven Thousand Five Hundred Dollars ..... $ 7,500.00

Salary of Secretary State Fair, Thirty-six Hundred Dollars ..... $ 3,600.00

Maintenance Northern Montana Agricultural and Manual Training School and Agricultural Sub-Station, Fifty Thousand Dollars ..... $ 50,000.00

For Normal Training Course High School Expense, Twelve Thousand Dollars ..... $ 12,000.00

Section 2. That the following sums, or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for a period commencing March 1st, 1920, and ending February 28th, 1921.

State Institutions

Maintenance State Insane Asylum and care of Insane and Inebriates, Three Hundred Nineteen Thousand Two Hundred Forty Dollars $319,240.00

Addition to Men's hospital; Twenty One Thousand One Hundred and Seventeen Dollars ..... $ 21,117.00

Men's dormitory; Fourteen Thousand Nine Hundred Dollars ..... $ 14,900.00

Dormitory for women; Ten Thousand Dollars ..... $ 10,000.00

Improvement on water works; Three Thousand and Seven Hundred and Fifty Dollars ..... $ 3,750.00

Maintenance State Prison and care of prisoners, Two Hundred and Five Thousand Dollars $205,000.00

Maintenance and betterments including new buildings of Tuberculosis Sanitarium, Eighty Five Thousand Dollars ..... $ 85,000.00

Maintenance and betterments State Industrial School Fifty-four Thousand Seven Hundred and Fifty Dollars ..... $ 54,750.00

For Vocational Training School for Girls, if established, Fifteen Thousand Dollars ..... $ 15,000.00

Maintenance and betterments State University, Two Hundred Thirty Thousand Dollars $230,000.00

Buildings, Fifty Thousand Dollars ..... $ 50,000.00

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Land, Twenty Thousand Dollars ..... $ 20,000.00
Athletics, Five Thousand Dollars (Vetoed) ..... $ 5,000.00
To Equalize students traveling fare for the Institutions of the University of Montana, Six Thousand Dollars ..... $ 6,000.00
Maintenance and betterments Agricultural College, One Hundred Twenty-two Thousand Dollars $122,000.00
Buildings and Land, Seventy Thousand Dollars ..... $ 70,000.00
Athletics, Five Thousand Dollars (Vetoed) ..... $ 5,000.00
Maintenance and betterments State School of Mines, Forty-five Thousand Dollars ..... $ 45,000.00
Buildings, Fifty Thousand Dollars ..... $ 50,000.00
Maintenance and betterments State Normal School, Eighty-five Thousand Dollars ..... $ 85,000.00
Maintenance and betterments State Orphans Home, Eighty-seven Thousand Five Hundred Dollars ..... $ 87,500.00
Maintenance and betterments State School for Deaf, Blind and Feeble Minded, One Hundred Thousand Dollars $100,000.00
New Buildings for Feeble Minded Twenty-five Thousand Dollars ..... $ 25,000.00
Maintenance and betterments Soldier's Home, Forty Thousand Eight Hundred Dollars ..... $ 40,800.00
For relief outside of Soldier's Home of members of the State National Guard temporarily disabled. One Thousand Dollars ..... $ 1,000.00

Miscellaneous

Montana Agricultural Experiment Stations, to be distributed as follows:
Maintenance and Equipment, Home Station, Bozeman, Seventy-five Thousand Dollars ..... $ 75,000.00
Maintenance and equipment, Fergus County Dry Farm Sub-Station, Nine Thousand Dollars ..... $ 9,000.00
Maintenance and equipment Horticultural Sub-Station, Four Thousand Five Hundred Dollars ..... $ 4,500.00
Maintenance and equipment Huntley Sub-Station, Two Thousand Dollars ..... $ 2,000.00
Maintenance and equipment, Grain Laboratory, Ten Thousand Dollars ..... $ 10,000.00
Livestock Selling Association, Two Thousand Dollars ..... $ 2,000.00
Poultry Husbandry, Two Thousand Dollars ..... $ 2,000.00
Farmers Institutes, Ten Thousand Dollars ..... $ 10,000.00
For Anti Hog Cholera Serum purchase ..... $ 2,000.00
Womens Home Economic Extension Work, Fifteen Thousand Dollars ..... $ 15,000.00
For Farmers Extension Work in co-operation with Fed-

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eral Government under the Smith-Lever Act, and other Acts of Congress relating to such work, Sixty Thousand Dollars ..... $ 60,000.00
For maintenance and sinking fund of State Fair in addition to the money in the State Fair Fund, Twenty Thousand Dollars ..... $ 20,000.00
Betterments and Improvements, Five Thousand Dollars..$ 5,000.00
Salary of Secretary State Fair, Thirty-six Hundred Dollars ..... $ 3,600.00
Maintenance Northern Montana Agricultural and Manual Training School and Agricultural Sub-Station, Fifty Thousand Dollars ..... $ 50,000.00
For Normal Training Course High School, Twelve Thousand Dollars ..... $ 12,000.00

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1919.

HOUSE BILL NO. 438.

"An Act Appropriating Money for the Maintenance of the Executive and Judicial Departments of the State Government for Two Years, Commencing March 1st, 1919, and Ending February 28th, 1921."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the period commencing March 1st, 1919, and Ending February 28th, 1920.

EXECUTIVE DEPARTMENT.

Office of Governor.

For salary of Governor, Seven Thousand Five Hundred Dollars ..... $ 7,500.00
Salary of Private Secretary, Three Thousand Dollars.... 3,000.00
Salary of Stenographer, Fifteen Hundred Dollars 1,500.00
Office and traveling expenses, Fifteen Hundred Dollars 1,500.00
Montana's proportion expense of Governor's conference, Two Hundred Fifty Dollars 250.00
Salary of Acting Governor, One Thousand Dollars 1,000.00
Maintenance & Improvement Governor's Mansion, Five Thousand Dollars 5,000.00

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Office of Secretary of State.

Salary of Secretary of State, Three Thousand Dollars	3,000.00
Salary of Deputy Secretary of State, Two Thousand One Hundred Dollars	2,100.00
Salary of Chief Clerk and Stenographer, Eighteen Hundred Dollars	1,800.00
Extra Clerical Hire, Eleven Hundred Dollars	1,100.00
Postage on Session Laws and Reports, Three Hundred Dollars	300.00
Office and Traveling Expenses, Fifteen Hundred Dollars	1,500.00
Contingent expense, Seven Hundred Dollars	700.00
Weight and Measures Law, Two Hundred Fifty Dollars	250.00
Publishing, Printing and indexing the proceedings of the Constitutional Convention of 1889, Three Thousand Five Hundred Dollars	3,500.00

Office of Attorney General.

Salary of Attorney General, Forty-five Hundred Dollars	4,500.00
Salary of First Assistant Attorney General, Thirty-six Hundred Dollars	3,600.00
Salary of Second Assistant, Three Thousand Dollars	3,000.00
Salary of Third Assistant, Three Thousand Dollars	3,000.00
Salary of Fourth Assistant to be paid from Land Office expense fund, Three Thousand Dollars	3,000.00
Salary of Law Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
Office and traveling expenses, Twenty-five Hundred Dollars	2,500.00

Office of State Treasurer.

Salary of State Treasurer, Three Thousand Dollars	3,000.00
Salary of Deputy State Treasurer, Twenty-four Hundred Dollars	2,400.00
Salary of Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
Official Bond of State Treasurer, One Thousand Dollars	1,000.00
Contingent expenses, Twelve Thousand Dollars	12,000.00

Office of State Auditor.

Auditing Department

Salary of State Auditor, Three Thousand Dollars	3,000.00
Salary of Deputy Auditor, Twenty-four Hundred Dollars	2,400.00
Salary of Chief Clerk, Twenty-one Hundred Dollars	21.00.00

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Salary of two stenographers at Twelve Hundred Dollars each, Twenty-four Hundred Dollars	2,400.00
Office and Traveling Expenses, Twenty-five Hundred Dollars	2,500.00
Contingent Expense, Five Hundred Dollars	500.00
For examining Powder Magazines Five Hundred Dollars	500.00

Insurance Department.

Salary of Deputy Commissioner of Insurance, Twenty-four Hundred Dollars	2,400.00
Employment of Actuary, Twelve Hundred Dollars	1,200.00
Salary of Chief Clerk, Eighteen Hundred Dollars	1,800.00
Salary of Stenographer, (either one for the whole year or two for such part of the year as may be necessary), Twelve Hundred Dollars	1,200.00
Printing Convention form report blanks, Fifteen Hundred Dollars	1,500.00
Printing Insurance Laws, Six Hundred Dollars	600.00
Printing Licenses, Three Hundred Dollars	300.00
Printing Commissioner's Annual Report, Six Hundred Dollars	600.00
Postage, Eight Hundred Dollars	800.00
Traveling Expense, Commissioner and Deputy, One Thousand Dollars	1,000.00
Telephone and Telegraph, One Hundred Fifty Dollars	150.00
Supplies and contingent expense, One Thousand Dollars	1,000.00

Office of Railroad Commissioner.

Salary of Three Commissioners Twelve Thousand Dollars	12,000.00
Salary of Secretary, Thirty-six Hundred Dollars	3,600.00
Salary of Rate Clerk, Three Thousand Dollars	3,000.00
Salary of two inspectors, Forty-two Hundred Dollars	4,200.00
Salary of Stenographer, Fifteen Hundred Dollars	1,500.00
For Administration and expense of the Trade Commission Ten Thousand Dollars	10,000.00
One-half of reporters salary, Thirteen Hundred Dollars	1,300.00
One-half of expense of printing and mailing annual reports, Four Hundred Dollars	400.00
Office and traveling expenses, including extra clerical hire, five thousand Dollars	5,000.00
For Maps (two years), Four Thousand Dollars	4,000.00

Office of Public Service Commission.

Salary of Auditor, Twenty-six Hundred Dollars	2,600.00
Salary of Engineer, Four Thousand Dollars	4,000.00

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Salary of Stenographer, Twelve Hundred Dollars	1,200.00
One-half of Reporters salary, Thirteen Hundred Dollars	1,300.00
One-half of expense of publishing two annual reports, Four Hundred Dollars	400.00
Office and traveling expenses including extra clerical hire, six thousand Dollars	6,000.00

Office of Superintendent of Public Instruction.

Salary of Superintendent of Public Instruction, Three Thousand Dollars	3,000.00
Salary of Deputy Superintendent of Public Instruction, Twenty-five Hundred Dollars	2,500.00
Salary of High School Inspector, Twenty-five Hundred Dollars	2,500.00
Salary of two Rural School Inspectors at Twenty-five Hundred Dollars each, Five Thousand Dollars	5,000.00
Salary of Clerk, Fifteen Hundred Dollars	1,500.00
Salary of two Stenographers, Twelve Hundred Dollars, each	2,400.00
Office and traveling expenses, Sixty-five Hundred Dollars	6,500.00
Physical Education Public Schools	5,000.00
Printing, Seventy-five Hundred Dollars	7,500.00

Office of State Examiner.

Salary of State Examiner, Thirty-six Hundred Dollars	3,600.00
Salary of First Assistant to State Examiner, Three Thousand Dollars	3,000.00
Salary of Second Assistant to State Examiner, Twenty-seven Hundred Dollars	2,700.00
Salary of Deputy State Examiner, Twenty-four Hundred Dollars	2,400.00
Salary of Clerk, Fifteen Hundred Dollars	1,500.00
Salary of Chief Deputy, Superintendent of Banks, Three Thousand Dollars	3,000.00
Salary of four deputies at Twenty-four Hundred Dollars each, Nine Thousand Six Hundred Dollars	9,600.00
Salary of Clerk, Eighteen Hundred Dollars	1,800.00
Traveling expenses, Twelve Thousand Dollars	12,000.00

Office of State Veterinarian.

Salary of State Veterinarian, Three Thousand Dollars	3,000.00
Salary of Deputy State Veterinarian, Eighteen Hundred Dollars	1,800.00
Salary of Clerk, Twelve Hundred Dollars	1,200.00
Office and traveling expenses State Veterinarian and Deputy Veterinarian, Fifty-five Hundred Dollars	5,500.00

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Office of Adjutant General.

Salary of Adjutant General, Three Thousand Dollars....	3,000.00
Salary of Stenographer (from Bureau of Child and Animal Protection), Three Hundred Dollars	300.00
Office and traveling expenses, One Thousand Dollars....	1,000.00
Maintenance of National Guard, Fifteen Thousand Dollars	15,000.00
Repairs to State Armory, Thirty-five Hundred Dollars....	3,500.00

State Board of Education.

Traveling expenses of members, Seventeen Hundred Dollars	1,700.00

Office of Consolidated Boards.

Salary of Clerk, Three Thousand Dollars	3,000.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
Office Expense, Three Hundred Dollars	300.00

Office of State Law Library.

Salary of Librarian, Twenty-five Hundred Dollars.....	2,500.00
Purchase of Books, Three Thousand Dollars	3,000.00
Maintenance and expense of Library, Nine Hundred Dollars	900.00

State Historical Library.

Salary of Librarian, Twenty-one Hundred Dollars	2,100.00
Salary of Assistant Librarian, Twelve Hundred Dollars..	1,200.00
Salary of Assistant Librarian, Twelve Hundred Dollars..	1,200.00
Expenses, including purchase of books and collecting of stories from pioneers, Two Thousand Dollars	2,000.00

State Board of Horticulture.

Salary of State Horticulturist, Twenty-five Hundred Dollars	2,500.00
Salary of Secretary, Fifteen Hundred Dollars	1,500.00
Expenses, office, inspection and traveling, Eleven Thousand Five Hundred Dollars	11,500.00

State Board of Examiners.

Salary of Clerk, Three Thousand Dollars	3,000.00
Salary of State Accountant, Three Thousand Dollars.....	3,000.00
Traveling expenses, State Accountant, Twelve Hundred Dollars	1,200.00
Contingent expenses, including extra Clerical hire, Five Thousand Dollars	5,000.00
Expenses and extra clerical hire, Three Thousand Dollars	3,000.00
For traveling expenses of members of the Board, One Thousand Dollars	1,000.00

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State Board of Health.

Salary of Secretary, Five Thousand Dollars	5,000.00
Salary of Clerk, Fifteen Hundred Dollars, and two Stenographers at Twelve Hundred Dollars each, Thirty-nine Hundred Dollars	3,900.00
Office and traveling expense, Four Thousand Dollars	4,000.00
Expense, Child Welfare Division, Four Thousand Dollars	4,000.00
Expense of enforcing the Pure Food Law, including payment of Special Drug Inspector, with traveling expenses, Six Thousand Dollars	6,000.00
Bacteriological Laboratory, Eight Thousand Dollars	8,000.00
Water and Food Laboratory, Five Thousand Dollars	5,000.00
Water Analysis and Inspection of water system, Four Thousand Dollars	4,000.00
Vital Statistics, Three Thousand Dollars	3,000.00

State Board of Charities and Reform.

Expenses, Five Hundred Dollars	500.00

Office of State Engineer.

Salary of State Engineer, Three Thousand Dollars	3,000.00
Field and Office Expenses, One Thousand Dollars	1,000.00
Measurement of Streams and Hydrographic Work	5,000.00

Office of Industrial Accident Board.

Salary of Chairman, Six Thousand Dollars	6,000.00
Salary of Secretary, Twenty-four Hundred Dollars	2,400.00
Salary of Chief Accountant, Twenty-four Hundred Dollars	2,400.00
Salary of Filing Clerk, Eighteen Hundred Dollars	1,800.00
Salary of Bookkeeper, Fifteen Hundred Dollars	1,500.00
Salary of Statistician, One Thousand Three Hundred Twenty Dollars	1,320.00
Salary of Payroll Clerk, One Thousand Three Hundred Twenty Dollars	1,320.00
Salary of Two Stenographers at One Thousand Three Hundred Twenty Dollars each, Two Thousand Six Hundred Forty Dollars	2,640.00
Extra Clerical Hire, office and traveling expenses, Seven Thousand Six Hundred Twenty Dollars	7,620.00
Expense of Boiler Inspection and Salaries of inspectors, Seventeen Thousand Three Hundred Dollars	17,300.00
Expense of Coal Mine Inspection and salaries of inspectors, Forty-five Hundred Dollars	4,500.00
Expense of Mine Inspection and salaries of inspectors, Seven Thousand Dollars	7,000.00

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Bureau of Child and Animal Protection.

Salary of Secretary, Twenty-five Hundred Dollars	2,500.00
Salary of seven deputies at Eighteen Hundred Dollars each, Twelve Thousand Six Hundred Dollars	12,600.00
Salary of Stenographer, Nine Hundred Dollars	900.00
Office and traveling expenses, Seven Thousand Two Hundred Dollars	7,200.00

Bureau of Agriculture and Publicity.

Salary of Commissioner, Three Thousand Dollars	3,000.00
Salary of Chief Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
For Publicity Purposes. Ten Thousand Dollars	10,000.00

Bureau of Labor and Industry.

Salary of Commissioner, Twenty-five Hundred Dollars	2,500.00
Salary of Chief Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
Office and traveling Expenses, Two Thousand Dollars	2,000.00

Board of Entomology.

Expenses, Eighty-five Hundred Dollars	8,500.00
State Entomologist Expenses, Three Thousand Three Hundred Dollars	3,300.00

Livestock Sanitary Board.

Expenses, Thirty-seven Thousand Five Hundred Dollars	37,500.00
Live Stock Commission Expenses, Twenty-five Thousand Dollars	25,000.00

Office of State Parole Commissioner.

Salary of Commissioner, Two Thousand Dollars	2,000.00
Traveling Expenses, Two Hundred Fifty Dollarss	250.00

Capitol Building Custodian.

Salary of Custodian, Two Thousand Dollars	2,000.00

G. A. R. Custodian.

Salary of Custodian, Nine Hundred Dollars	900.00
Expenses, Three Hundred Dollars	300.00

Miscellaneous.

Public Printing, not to be used for Departmental printing, Forty Thousand Dollars	40,000.00
Rewards, Two Thousand Dollars	2,000.00
Requisitions, Five Thousand Dollars	5,000.00
Prisoners Transportation, Fifteen Thousand Dollars	15,000.00

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Firemen's Disability Deficiency from 1918, Eight Thousand Eight Hundred Seventy-two Dollars and Sixty-six cents	8,872.66
Firemen's Disability, Twenty-five Thousand Dollars	25,000.00
Interest on Bounty Claims, to be paid out of Bounty fund, Two Thousand Dollars	2,000.00
Capitol Building, Thirty-eight Thousand Dollars	38,000.00
Salary of State Dairy Commissioner in addition to amount appropriated by Senate Bill 76, Six Hundred Dollars	600.00

Judicial Department.

Office of the Supreme Court:

Salaries of Three Supreme Justices, Eighteen Thousand Dollars	18,000.00
Compensation for Reporting Decisions, Forty-Five Hundred Dollars	4,500.00
Salary of Clerk of Supreme Court, Twenty-five Hundred Dollars	2,500.00
Salary of Stenographer, Twenty-six Hundred Dollars	2,600.00
Salary of Marshal, Eighteen Hundred Dollars	1,800.00
Salary of Attendant, Twelve Hundred Dollars	1,200.00
Printing Montana Reports, Eighteen Hundred Dollars	1,800.00
Expenses of Court not otherwise provided for, One Thousand Dollars	1,000.00
Office and other expenses, Clerk Supreme Court, Nine Hundred Fifty Dollars	950.00

County Attorneys.

Salaries and deficiency, Fifty-five Thousand Dollars	55,000.00

District Judges.

Salaries, One Hundred Twenty Thousand Dollars	120,000.00
Expenses, Eleven Thousand Dollars	11,000.00

Legislative Expenditures.

Incidental Expenses for Sixteenth Legislative Assembly, Twenty Thousand Dollars	20,000.00
Mileage and per diem of members of the Sixteenth Legislative Assembly, Three Thousand Dollars	3,000.00

Section 2. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the period commencing March 1st, 1920 and ending February 28th, 1921.

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EXECUTIVE DEPARTMENT.

Office of Governor.

For Salary of Governor, Seven Thousand Five Hundred Dollars	7,500.00
Salary of Private Secretary, Three Thousand Dollars	3,000.00
Salary of Stenographer, Fifteen Hundred Dollars	1,500.00
Office and traveling expenses, Fifteen Hundred Dollars,	1,500.00
Montana's proportion expense of Governor's Conference, Two Hundred Fifty Dollars	250.00
Salary of Acting Governor, One Thousand Dollars	1,000.00
Maintenance and Improvement Governor's Mansion Five Thousand Dollars	5,000.00

Office of Secretary of State.

Salary of Secretary of State, Three Thousand Dollars	3,000.00
Salary of Deputy Secretary of State, Two Thousand One Hundred Dollars	2,100.00
Salary of Chief Clerk and Stenographer, Eighteen Hundred Dollars	1,800.00
Extra Clerical Hire, Nine Hundred Dollars	900.00
Postage on Session Laws and Reports, Three Hundred Dollars	300.00
Office and Traveling Expenses, Fifteen Hundred Dollars	1,500.00
Contingent expense, Seven Hundred Dollars	700.00
Weight and Measures Law, Two Hundred Fifty Dollars	250.00
Publishing, printing and indexing the proceedings of the Constitutional Convention of 1899, Three Thousand Five Hundred Dollars	3,500.00

Office of Attorney General.

Salary of Attorney General, Forty-five Hundred Dollars	4,500.00
Salary of First Assistant Attorney General, Thirty-six Hundred Dollars	3,600.00
Salary of Second Assistant, Three Thousand Dollars	3,000.00
Salary of Third Assistant, Three Thousand Dollars	3,000.00
Salary of Fourth Assistant to be paid from Land Office expense fund, Three Thousand Dollars	3,000.00
Salary of Law Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
Office and traveling expenses, Twenty-five Hundred Dollars	2,500.00

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Office of State Treasurer.

Salary of State Treasurer, Three Thousand Dollars	3,000.00
Salary of Deputy State Treasurer, Twenty-four Hundred Dollars	2,400.00
Salary of Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
Official Bond of State Treasurer, One Thousand Dollars	1,000.00
Contingent expenses, Twelve Thousand Dollars	12,000.00

Office of State Auditor.

Auditing Department.

Salary of State Auditor, Three Thousand Dollars	3,000.00
Salary of Deputy Auditor, Twenty-four Hundred Dollars	2,400.00
Salary of Chief Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of two stenographers at Twelve Hundred Dollars each, Twenty-four Hundred Dollars	2,400.00
Office and Traveling Expenses, Twenty-five Hundred Dollars	2,500.00
Contingent Expense, Five Hundred Dollars	500.00
For examining Powder Magazines, Five Hundred Dollars	500.00

Insurance Department.

Salary of Deputy Commissioner of Insurance, Twenty-four Hundred Dollars	2,400.00
Employment of Actuary, Twelve Hundred Dollars	1,200.00
Salary of Chief Clerk, Eighteen Hundred Dollars	1,800.00
Salary of Stenographer (either one for the whole year or two for such part of the year as may be necessary), Twelve Hundred Dollars	1,200.00
Printing Convention form report blanks, Fifteen Hundred Dollars	1,500.00
Printing Insurance Laws, Six Hundred Dollars	600.00
Printing Licenses, Three Hundred Dollars	300.00
Printing Commissioner's Annual Report, Six Hundred Dollars	600.00
Postage, Eight Hundred Dollars	800.00
Traveling Expense, Commissioner and Deputy, One Thousand Dollars	1,000.00
Telephone and Telegraph, One Hundred Fifty Dollars	150.00
Supplies and contingent expense, One Thousand Dollars	1,000.00

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Office of Railroad Commissioner.

Salary of Three Commissioners Twelve Thousand Dollars	12,000.00
Salary of Secretary, Thirty-six Hundred Dollars	3,600.00
Salary of Rate Clerk, Three Thousand Dollars	3,000.00
Salary of two inspectors, Forty-two Hundred Dollars	4,200.00
Salary of Stenographer, Fifteen Hundred Dollars	1,500.00
For administration and expense of the Trade Commission Ten Thousand Dollars	10,000.00
One-half of reporters salary, Thirteen Hundred Dollars	1,300.00
One-half of expense of printing and mailing annual reports, Four Hundred Dollars	400.00
Office and traveling expenses, including extra clerical hire, Five Thousand Dollars	5,000.00

Office of Public Service Commission

Salary of Auditor, Twenty-six Hundred Dollars	2,600.00
Salary of Engineer, Four Thousand Dollars	4,000.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
One-half Reporters salary, Thirteen Hundred Dollars	1,300.00
One-half of expense of publishing two annual reports, Four Hundred Dollars	400.00
Office and traveling expenses including extra clerical hire, Six Thousand Dollars	6,000.00

Office of Superintendent of Public Instruction.

Salary of Superintendent of Public Instruction, Three Thousand Dollars	3,000.00
Salary of Deputy Superintendent of Public Instruction, Twenty-five Hundred Dollars	2,500.00
Salary of High School Inspector, Twenty-five Hundred Dollars	2,500.00
Salary of two Rural School Inspectors at Twenty-five Hundred Dollars each, Five Thousand Dollars	5,000.00
Salary of Clerk, Fifteen Hundred Dollars	1,500.00
Salary of two Stenographers, Twelve Hundred Dollars each,	2,400.00
Office and traveling expenses, Sixty-five Hundred Dollars	6.500.00
Physical Education Public Schools, Five Thousand Dollars	5,000.00
Expenses of Text Book Commission, One Thousand Dollars	1,000.00
Printing, Seventy-five Hundred Dollars	7,500.00

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Office of State Examiner.

Salary of State Examiner, Thirty-six Hundred Dollars	3,600.00
Salary of First Assistant to State Examiner, Three Thousand Dollars	3,000.00
Salary of Second Assistant to State Examiner, Twenty-Seven Hundred Dollars	2,700.00
Salary of Deputy State Examiner, Twenty-four Hundred Dollars	2,400.00
Salary of Clerk, Fifteen Hundred Dollars	1,500.00
Salary of Chief Deputy Superintendent of Banks, Three Thousand Dollars	3,000.00
Salary of four Deputies at Twenty-four Hundred Dollars, each,	9,600.00
Salary of Clerk, Eighteen Hundred Dollars	1,800.00
Traveling expenses, Twelve Thousand Dollars	12,000.00

Office of State Veterinarian.

Salary of State Veterinarian, Three Thousand Dollars	3,000.00
Salary of Deputy State Veterinarian, Eighteen Hundred Dollars	1,800.00
Salary of Clerk, Twelve Hundred Dollars	1,200.00
Office and traveling expenses State Veterinarian and Deputy Veterinarian, Fifty-five Hundred Dollars	5,500.00

Office of Adjutant General.

Salary of Adjutant General, Three Thousand Dollars	3,000.00
Salary of Stenographer (from Bureau of Child and Animal Protection), Three Hundred Dollars	300.00
Office and traveling expenses, One Thousand Dollars	1,000.00
Maintenance of National Guard, Fifteen Thousand Dollars	15,000.00

State Board of Education.

Traveling expenses of members, Seventeen Hundred Dollars	1,700.00

Office of Consolidated Boards.

Salary of Clerk, Three Thousand Dollars	3,000.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
Office Expense, Three Hundred Dollars	300.00

Office of State Law Library.

Salary of Librarian, Twenty-five Hundred Dollars	2,500.00
Purchase of Books, Three Thousand Dollars	3,000.00
Maintenance and expense of Library, Nine Hundred Dollars	900.00

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State Historical Library.

Salary of Librarian, Twenty-one Hundred Dollars	2,100.00
Salary of Assistant Librarian, Twelve Hundred Dollars	1,200.00
Salary of Assistant Librarian, Twelve Hundred Dollars	1,200.00
Expenses, including purchase of books and collecting of stories from pioneers, Two Thousand Dollars	2,000.00

State Board of Horticulture.

Salary of State Horticulturist, Twenty-five Hundred Dollars	2,500.00
Salary of Secretary, Fifteen Hundred Dollars	1,500.00
Expenses, Office, inspection and traveling, Eleven Thousand Five Hundred Dollars	11,500.00

State Board of Examiners.

Salary of Clerk, Three Thousand Dollars	3,000.00
Salary of State Accountant, Three Thousand Dollars	3,000.00
Traveling expenses, State Accountant, Twelve Hundred Dollars	1,200.00
Contingent expenses, including extra Clerical hire, Five Thousand Dollars	5,000.00
Expenses and extra clerical hire, Three Thousand Dollars	3,000.00
For traveling expenses of members of Board, One Thousand Dollars	1,000.00

State Board of Health.

Salary of Secretary, Five Thousand Dollars	5,000.00
Salary of Clerk, Fifteen Hundred Dollars and two Stenographers at Twelve Hundred Dollars each, Thirty-nine Hundred Dollars	3,900.00
Office and traveling expense, Four Thousand Dollars	4,000.00
Expense, Child Welfare Division, Four Thousand Dollars	4,000.00
Expense of enforcing the Pure Food Law, including payment of Special Drug Inspector, with traveling expenses, Six Thousand Dollars	6,000.00
Bacteriological Laboratory, Eight Thousand Dollars	8,000.00
Water and Food Laboratory, Five Thousand Dollars	5,000.00
Water analysis and Inspection of water systems, Four Thousand Dollars	4,000.00
Vital Statistics, Three Thousand Dollars	3,000.00

State Board of Charities and Reform.

Expenses, Five Hundred Dollars	500.00

Office of State Engineer.

Salary of State Engineer, Three Thousand Dollars	3,000.00
Field and Office Expenses, One Thousand Dollars	1,000.00
Measurements of streams and Hydrographic Work, Five Thousand Dollars	5,000.00

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Office of Industrial Accident Board.

Salary of Chairman, Six Thousand Dollars	6,000.00
Salary of Secretary, Twenty-four Hundred Dollars	2,400.00
Salary of Chief Accountant, Twenty-four Hundred Dollars	2,400.00
Salary of Filing Clerk, Eighteen Hundred Dollars	1,800.00
Salary of Bookkeeper, Fifteen Hundred Dollars	1,500.00
Salary of Statistician, One Thousand Three Hundred Twenty Dollars	1,320.00
Salary of Payroll Clerk, One Thousand Three Hundred Twenty Dollars	1,320.00
Salary of Two Stenographers at One Thousand Three Hundred Twenty Dollars each, Two Thousand Six Hundred Forty Dollars	2,640.00
Extra Clerical Hire, Office and traveling expenses, Seven Thousand Six Hundred Twenty Dollars	7,620.00
Expense of Boiler Inspection and salaries of Inspectors, Seventeen Thousand Three Hundred Dollars	17,300.00
Expense of Coal Mine Inspection and salaries of inspectors, Forty-five Hundred Dollars	4,500.00
Expense of Mine Inspection and salaries of Inspectors, Seven Thousand Dollars	7,000.00

Bureau of Child and Animal Protection.

Salary of Secretary, Twenty-five Hundred Dollars	2,500.00
Salary of seven deputies at Eighteen Hundred Dollars each, Twelve Thousand Six Hundred Dollars	12,600.00
Salary of stenographer, Nine Hundred Dollars	900.00
Office and traveling expenses, Seventy-two Hundred Dollars	7,200.00

Bureau of Agriculture and Publicity.

Salary of Commissioner, Three Thousand Dollars	3,000.00
Salary of Chief Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
For Publicity Purposes, Ten Thousand Dollars	10,000.00

Bureau of Labor and Industry.

Salary of Commissioner, Twenty-five Hundred Dollars	2,500.00
Salary of Chief Clerk, Twenty-one Hundred Dollars	2,100.00
Salary of Stenographer, Twelve Hundred Dollars	1,200.00
Office and traveling Expenses, Two Thousand Dollars	2,000.00

Board of Entomology.

Expenses, Eighty-five Hundred Dollars	8,500.00
State Entomologist Expenses, Three Thousand Three Hundred Dollars	3,300.00

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Livestock Sanitary Board.

Live Stock Commission Expenses, Twenty-five Thousand Dollars	25,000.00
Expenses, Thirty-seven Thousand Five Hundred Dollars	37,500.00

Office of State Parole Commissioner.

Salary of Commissioner, Two Thousand Dollars	2,000.00
Traveling Expenses, Two Hundred Fifty Dollars	250.00

Capitol Building Custodian.

Salary of Custodian, Two Thousand Dollars	2,000.00

G. A. R. Custodian.

Salary of Custodian, Nine Hundred Dollars	900.00
Expenses, Three Hundred Dollars	300.00

Miscellaneous.

Public printing, not to be used for Departmental printing, Forty Thousand Dollars	40,000.00
Rewards, Two Thousand Dollars	2,000.00
Purchose of Law Books for State Law Library, Five Thousand Dollars	5,000.00
Requisitions, Five Thousand Dollars	5,000.00
Prisoners Transportation, Fifteen Thousand Dollars	15,000.00
Firemen's Disability, Twenty-five Thousand Dollars	25,000.00
Interest on Bounty Claims, to be paid out of Bounty Fund, Two Thousand Dollars	2,000.00
Capitol Building, Thirty-eight Thousand Dollars	38,000.00
Salary of State Dairy Commissioner in addition to the amount appropriated by Senate Bill 76, Six Hundred Dollars	600.00

Judicial Department.

Office of the Supreme Court.

Salaries of Three Supreme Justices, Eighteen Thousand Dollars	18,000.00
Compensation for reporting Decisions, Forty-five Hundred Dollars	4,500.00
Salary of Clerk of Supreme Court, Twenty-five Hundred Dollars	2,500.00
Salary of Stenographer, Twenty-six Hundred Dollars	2,600.00
Salary of Marshal, Eighteen Hundred Dollars	1,800.00
Salary of Attendant, Twelve Hundred Dollars	1,200.00
Printing Montana Reports, Eighteen Hundred Dollars	1,800.00
Expenses of Court not otherwise provided for, One Thousand Dollars	1,000.00
Office and other expenses, Clerk Supreme Court, Nine Hundred Fifty Dollars	950.00

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County Attorneys.

Salaries, Fifty-two Thousand Dollars 52,000.00

District Judges.

Salaries, One Hundred Twenty Thousand Dollars 120,000.00
Expenses, Eleven Thousand Dollars 11,000.00

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved March 17, 1919.

SENATE JOINT MEMORIAL NO. 1.

"A Memorial to the Honorable Senate and House of Representatives of the United State in Congress Assmbled for the Passage of an Act Ceding to the State of Montana the Military Reservation Located in Montana Known As Fort William Henry Harrison to Be Used As An Adjunct of the State Industrial Accident Board for a Rehabilitation Institute for the Education and Maintenance of Persons Injured in the Industries of Montana."

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, by Act of Congress approved May 12, 1892, there was established in the State of Montana Fort William Henry Harrison, the site for which, consisting of one thousand acres, was donated to the United States by the citizens of Helena, and in addition to which there has been acquired by purchase sufficient land to make up a total of one thousand seven hundred and ninety acres, which said site is described as follows, to-wit: Mineral Entry No. 1900 situated in the southwest quarter of the southeast quarter of section 4 in township 10 north of range 4 west of the Montana Principal Meridian; the northeast quarter of section 9; the southeast quarter, the south half of the northeast quarter, the northeast quarter of the northeast quarter, the west half of the northwest quarter and the southeast quarter of the northwest quarter of section 10; the southwest quarter of section 11; the west half of section 15; the east half if section 16; the southeast quarter of the southeast quarter of section 17; the northeast quarter, the east half of the northwest quarter and the northwest quarter of the northwest quarter of section 21; and the north half of the northwest quarter of section 22, all in township 10 north of range 4 west of the Montana Principal Meridian; and

WHEREAS, there has been constructed upon the said site a large number of brick buildings of a permanent character, and there has been acquired in connection with the said site ample water facili-

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ties for irrigating and making productive said lands in the growing of grass, trees, shrubbery, vegetables and other agricultural products, making a very attractive and useful piece of property; and

WHEREAS, the said site and buildings have not been used by the War Department for the purpose for which they were acquired for a period of more than three years last past, and there does not appear to be at the present time any prospect for the immediate use of the said site for the uses of the War Department, and the buildings are decaying by reason of neglect and non-use and the grounds are becoming unsightly; and

WHEREAS, the Industrial Accident Board of the State of Montana, a department of the government of said State organized under the Act of the Legislative Assembly of the said State providing for compensation to workmen injured in the industries of the said State and providing for the administration of the Workmen's Compensation Act, known as Chapter 96 of the Session Laws of the Legislative Assembly of Montana for the Session of 1915, has recommended to the Legislative Assembly of the State of Montana now in session the establishment of an institution for the re-education and rehabilitation of those unfortunates who have been partially or totally disabled by reason of accidents from pursuing their usual vocations or professions, and thereby giving to these unfortunate victims of industrial accidents an opportunity of becoming useful citizens rather than dependents upon the bounty of the State; and

WHEREAS, there is not located in any of the States of the Union an institution of such a character, and an opportunity is here offered for commencing under the most favorable circumstances an experiment which would make possible the vocational re-education of large numbers of persons injured in the industries of the State of Montana:

NOW THEREFORE; the Honorable Senate and House of Representatives of the United States in Congress assembled are hereby respectfully memorialized and petitioned by the Senate and House of Representatives of the Legislative Assembly of Montana, duly assembled, to enact a law ceding to the State of Montana the above described site known as Fort William Henry Harrison, consisting of the tracts hereinabove described, the buildings thereon, the water rights and all of the appurtenances thereunto belonging or therewith enjoyed, to be used by the State of Montana for the use and purposes above outlined.

AND BE IT FURTHER RESOLVED, that the Secretary of State of the State of Montana be, and he is hereby directed, to transmit to the Speaker of the House of Representatives of the United States and to the President of the Senate of the United States, and to the Senators and Representatives of the State of Montana in Congress severally, copies of this Memorial.

Approved January 22, 1919.

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SENATE JOINT MEMORIAL NO. 2.

"A Resolution Memorializing Congress to Pass Legislation for the Purpose of Issuing Patents to All Homesteaders Who Have Served In Any Branch of the Army or Navy In the Present World War, Providing Settlement and Certain Improvements Were Made Prior to Enlistment."

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, under the present laws of the United States, it is necessary that any one taking up a homestead on public lands, live thereon a certain minimum prescribed time and conform to certain laws relative to improvements thereon, and pay certain fees in connection therewith before patent to the same can be issued, irrespective of whether or not such homesteader has served his country in any of the numerous branches of the army or navy in the present world war; and

WHEREAS, there have been thousands of cases throughout the western part of the United States where bona fide homesteaders were forced to sell their stock and ranching equipment at a great sacrifice, in some instances practically giving it away, when called upon to enter our country's service, and

WHEREAS, in such cases, by reason of the fact that such homesteaders were compelled to sell their property at such a low price they will be unable on their return from the service to resume their ranching or farming operations, by reason of the fact that they are without sufficient funds to so do, and they will be unable to borrow money without difficulty, or have any credit extended to them by reason of the fact that they do not have title to the land they were living on prior to their enlistment;

NOW, THEREFORE, Be It Resolved by the Senate of the Sixteenth Legislative Assembly of the State of Montana and House of Representatives concurring therein, that we do hereby petition Congress of the United States for the passage of legislation relieving all bona fide homesteaders who were enlisted in some branch of the army or navy in the present war, and who had made some improvements, of a substantial nature, on their land, and established their residence thereon, prior to their enlistment, from any further residence, or the making of any additional improvements thereon, before patent can be issued to them, and that patent be issued them on their request upon proof being made that such residence was established and improvements made prior to their enlistment, and without the payment of any fees whatsoever; and

Be It Further Resolved that a copy of this memorial be transmitted by the Secretary of the State of Montana to the Honorable

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members of the United States Senate and House of Representatives from the State of Montana, requesting them to exert every possible effort within their power to enact such legislation.

Approved February 6, 1919.

SENATE JOINT MEMORIAL NO. 3.

A Memorial to the Congress of the United States and to the Director General of Railroads of the United States.

To the Honorable Senate and House of Representatives of the Congress of the United States and to the Director General of the Railroads of the United States:

Your memorialists, the Members of the Sixteenth Legislative Assembly of the State of Montana, the Senate and House concurring, respectively represent:

WHEREAS, the County of Carter of the State of Montana, at the present time, has no railroad facilities by reason of there being no railroad constructed in, across or through said county; and,

WHEREAS, a large portion of the County of Custer of the State of Montana, adjoining the County of Carter on the western side thereof, is similarly situated; and,

WHEREAS, there have settled in the County of Carter and the South half of the County of Custer, in the last several years, a large number of actual bona fide settlers, who are at the present time cultivating the lands of said district; and,

WHEREAS, the said territory embraced in the County of Carter and the South half of the County of Custer contains approximately ten thousand square miles in area; and,

WHEREAS, the settlers of said extensive area are growing, cultivating and producing a large amount of grain, which said grain, at the nearest point, is more than fifty miles distant from any railroad point, and some of the settlers being over one hundred miles from the nearest point on any railroad; and,

WHEREAS, the settlers within said area are unable to contnue to raise grain and have a market therefor a reasonable profit, and that unless relief is granted to the settlers of this area they will be compelled to abandon the producing and growing of grain; and,

WHEREAS, if adequate facilities were accorded to the peoples living within this area, the amount of land which would come under cultivation, and become productive and produce a large amount of grain, would increase at least one hundred fold:

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NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SIXTEENTH LEGISLATIVE ASSEMBLY, THE HOUSE CONCURRING:

That, we the Members of the Sixteenth Legislative Assembly of the State of Montana, hereby petition and earnestly pray the Senate and House of Representatives of the Congress of the United States and the Director General of Railroads of the United States that they do cause inquiry to be made into the advisability and practicability of the authorization of the construction of a line of railroads across the aforesaid area; and that such relief be granted, as speedily as possible, to the settlers of said area as may be necessary, to the end that they may continue their farming operations with profit to themselves and benefit to the entire state of Montana.

RESOLVED FURTHER, that a copy of this memorial be forwarded to the Secretary of the Senate and House of Representatives of the Congress of the United States and to the Director General of Railroads of the United States, and that copies thereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in the Congress of the United States.

Approved February 10, 1919.

SENATE JOINT MEMORIAL NO. 4.

To the Honorable Senate and House of Representatives of the United States, in Congress Assembled:

WHEREAS, upon the declaration of war between the United States of America and Germany and Austria, an increased production of manganese and other minerals in the United States became, and was, vitally essential to the successful prosecution of said war upon the part of the United States and associated nations; and,

WHEREAS, prior to the European War, on account of the heavy production of maganese, especially, by Brazil, Russia and other countries of the world, by means of cheap and underpaid labor, the producers of manganese in the United States could not produce the same with profit, and little development and exploration for said metal had been actually undertaken or accomplished; and,

WHEREAS, upon the outbreak of said war, and upon the most urgent solicitation upon the part of the United States of America, through its properly constituted and organized boards and officers, and actuated thereunto by patriotic motives, many people in the United States, and particularly in the State of Montana, invested very large sums of money in the acquisition of properties pro-

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ducing manganese and in the exploration and development of said properties; and,

WHEREAS, immediately upon the signing of the articles of armistice between the United States, and its associated nations, and said Germany and Austria, all market for manganese in the United States was suspended and cut off, and the same has not been since then, neither can the same now be, produced with any profit whatever, and only at great loss, and for these reasons many investors in manganese properties have suffered, and are suffering, great loss on account of said investments, and on account of stocks of manganese on hand which cannot be sold or disposed of, and unless relief is granted many of said investors will suffer irreparable loss and financial ruin; and,

WHEREAS, the situation of said manganese producers and other producers of metals necessary to the prosecution of the war has been considered by the American Mining Congress, when the same convened in the City of Washington on December 16th and 17th, 1918, and an appeal to Congress, through and by said American Mining Congress, has heretofore been made for relief in this behalf; and,

WHEREAS, there has been introduced in the Senate of the United States, by Senator Henderson of the State of Nevada, Senate Bill No. 5234, entitled: "A Bill to supplement an Act of Congress approved October fifth, nineteen hundred and eighteen (public, numbered two hundred and twenty), and to authorize the Secretary of the Interior, from the funds appropriated by said Act, to determine, adjust and pay losses sustained by investments preparatory to production of war minerals mentioned in said Act" (Manganese being one of the war minerals mentioned in said Act), and said bill is now pending before the Congress of the United States for consideration;

NOW, THEREFORE, BE IT RESOLVED, that we, your Memorialists, the Sixteenth Legislative Assembly of the State of Montana, do earnestly petition the Congress of the United States to enact said bill into law, to the end that relief may be granted to the manganese miners and producers of the State of Montana and the United States; And we do further earnestly petition the Congress of the United States to enact such further laws and regulations, either by the levying of import duties upon manganese produced in and by the cheap labor of other countries, or otherwise, as will enable the people of the United States to produce and market manganese ores at a reasonable profit, and give suitable and proper encouragement to the manganese industry in the mineral-producing states of the Union; and,

BE IT FURTHER RESOLVED, that the Secretary of State be, and he is hereby, instructed to transmit copies of this memorial,

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properly authenticated, to the Senators and Representatives from the State of Montana in the Congress of the United States.

Approved February 4, 1919.

SUBSTITUTE FOR JOINT MEMORIAL NO. 5.

A Memorial Petitioning Congress to Make Restoration of Railroads to Their Owners.

To the Honorable Senate and House of Representatives of the United States, in Congress Assembled:

WHEREAS, during the period of the recent European war it was deemed by the government of the United States necessary and expedient that the several railroad systems and telegraph lines of the United States be operated under and by the direct control of the Federal government, to the end that means of transportation of troops and munitions of war, and the conveyance of information by the telegraph lines, be brought to a state of control necessary to carry and conduct the war to a successful conclusion; and,

WHEREAS, the several systems of railroads and telegraph lines of the United States were taken over by the United States Government under the authority of laws passed by the Congress of the United States, providing that said railroads and telegraph lines should be returned to the owners of said railroad systems and telegraph lines within a period of twenty-two months after the conclusion of the war; and,

WHEREAS, during the period within which the government has been in control of the railroad systems and telegraph lines, freight and passenger rates of the railroad systems were increased, and the rates charged by telegraph lines increased; and,

WHEREAS, it is a matter of common repute that, during the time said roalroad systems and telegraph lines have been under the control and operation of the Federal Government, the service rendered by said public utilities has become less efficient, notwithstanding the fact that the public has been charged increased rates for the use of said public utilities; and,

WHEREAS, during said period of operation the cost of operation has increased to such an extent that the Federal Government is now and has been, during the course of operation, paying large sums of money in excess of revenues received; and,

WHEREAS, the people of the United States, whether individually or in communities, who must of necessity use the several railroad systems and telegraph lines, have suffered inconveniences by reason of less efficient service; and,

WHEREAS, it is apparent that the continued operation of the

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railroad systems and telegraph lines in the United States by the Federal Government will result in a continued drain upon the people of the United States without any corresponding benefit; and,

WHEREAS, it is apparent that longer delay in returning railroad property and telegraph property to its owners will carry with it financial burdens of so great a character as to be almost beyond conception, and that a continuation of the present system of government control will add to and increase the burden already imposed;

NOW, THEREFORE, BE IT RESOLVED, That we, Your Memorialists, the Sixteenth Legislative Assembly of the State of Montana, do earnestly petition the Congress of the United States to enact with all possible dispatch and expedition suitable laws and legislation making provision for the early restoration of railroad and telegraph lines of the country to their legitimate owners, and that the present government control of railroad and telegraph lines be terminated at as early a date as possible; and,

BE IT FURTHER RESOLVED, That we, Your Memorialists, the Sixteenth Legislative Assembly of the State of Montana, do petition the Congress of the United States that said railroads and railroad property and telegraph property be returned to its rightful and legitimate owners, to be operated under the direct supervision of the Federal Government; and,

BE IT FURTHER RESOLVED, That the Secretary of State be, and he is hereby, instructed to transmit copies of this Memorial, properly authenticated, to the Senators and Representatives of the State of Montana in the Congress of the United States.

Filed March 6, 1919.

SENATE JOINT MEMORIAL NO. 6.

A Memorial to Congress: Relating to the Navigation of the Missouri River.

To the Honorable Senate and House of Representatives of the United States in Congress Assmbled:

We, your Memorialists, the Sixteenth Legislative Assembly of the State of Montana, Respectully Represent and Petition; that

WHEREAS, The Missouri River in northeastern Montana is a navigable stream under the sole control and jurisdiction of the United States Government through its Secretary of War; and

WHEREAS, The said Missouri River in northeastern Montana forms an important line of communication and supply adjacent

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to and paralleling the north boundary of the United States in case of urgent need for Military purposes; and

WHEREAS, Many settlers have engaged in agricultural pursuits, establishing homes and substantial permanent improvements along the banks of said Missouri River in good faith; and

WHEREAS, The said Missouri River, at various places where such permanent improvements have been made, is steadily cutting into its banks and threatening the destruction of these valuable lands and improvements above refered to; and

WHEREAS, It is the belief of this Legislative Assembly that encouragement of such settlement and improvements is desirable along this waterway which forms so important a line of communication and supply in case of military necessity.

NOW, THEREFORE, BE IT RESOLVED, That we, your Memorialists, do hereby urgently petition the Congress of the United States for the necessary legislation to make available such protection, at different points on the Missouri River in northeastern Montana, as may be necessary to prevent erosion of its banks where valuable improvements are located and that funds for that purpose be made available; and

BE IT FURTHER RESOLVED, That the Secretary of State of Montana be directed to forward a duly authenticated copy of this Memorial both to the Senate and to the House of Representatives of the United States; and that he be further directed to forward like copies of this Memorial to each of the Senators and Representatives in Congress from Montana with the request that they use their best endeavors to bring about a speedy consumation of the relief herein petitioned for.

Approved March 5, 1919.

SENATE JOINT MEMORIAL NO. 7.

Relating to Government Ownership of Packing Plants.

WHEREAS, There is pending before the Congress of the United States a bill known as H. R. 13324 by Mr. Sims, entitled: "A Bill to provide transportation, storage and marketing facilities for, and to regulate commerce among the States in live stock, meats, and other products derived from live stock or the slaughtering of live stock;" and

WHEREAS, We are confident in the opinion that said bill contravenes the principles of our Government, and prompts us to a policy of state socialism; and

WHEREAS, Regardless of our objections to said bill on the foregoing grounds, we believe that the remedy for the abuse of power and inefficient service to the public by larger concerns

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throughout the country lies in strict and broadminded control and not in government ownership;

NOW THEREFORE, BE IT RESOLVED, By the Senate of the Sixteenth Legislative Assembly of the State of Montana, the House of Representatives concurring, that we do hereby protest against the Government of the United States being tied to a policy of government ownership such as is proposed by said bill, H. R. 13324.

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded by the Secretary of State to our Senators and Representatives in Congress, and they are urged to use their best efforts to prevent the passage of said bill.

Approved March 3, 1919.

SENATE JOINT MEMORIAL NO. 8.

A Resolution Memoralizing Congress for Passage of Legislation Recognizing Governmental Obligations to Producers of Essential War Minerals.

WHEREAS, upon the entry of the United States Government into the European War certain minerals essential to the manufacture of war material became vital to the successful prosecution of the war, and

WHEREAS, such essential war minerals were in times of peace obtainable from foreign sources and our domestic sources of supply were undeveloped and unknown, and,

WHEREAS, when the entry of the United States into the world conflict created conditions which prevented the importation of ores of chrome, tungsten and manganese, vital to munition requirements, this Government, through various governmental agencies, appealed to American miners to produce such ores from domestic sources, representing the dire distress to follow the shortage of those minerals necessary in the manufacture of war material, and,

WHEREAS, Montana's loyal response to this appeal materially increased the national resources in vital war minerals at a time of urgent need, and,

WHEREAS, the production of such vital war minerals in this state was due to the individual energy and efforts of Montana prospectors and miners in a field of endeavor involving such uncertain financial reward as to be unattractive to capital as an investment, and,

WHEREAS, repeated urgent requests by governmental agencies for increased production in essential war materials, and particularly for an increase of manganese ore, induced many small operators to undertake more extensive development of such ores, in the

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belief that the manner in which requests for greater production were made by governmental officials guaranteed a market for the ore, and,

WHEREAS, summary refusal by governmental agencies to purchase the ore developed at their request has deprived the producers of manganese ore in this state of a market and of means of retrieving outlays made in developing such ore,

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Sixteenth Legislative Assembly of the State of Montana, the House of Representatives concurring, that in the sense of this Assembly a moral obligation exists between the United States Government and the producers of manganese ore in this state, who, through governmental action are facing serious financial loss as herein recited.

AND BE IT FURTHER RESOLVED that we hereby petition the Congress of the United States to enact such legislation as will result in reimbursing those who have in good faith made outlays to develop war minerals in time of need.

AND BE IT FURTHER RESOLVED that a copy hereof be transmitted by the Secretary of State, of the States of Montana, to the Senators and Representatives of the State of Montana in Congress, with the request for their utmost efforts in obtaining the congressional action herein indicated.

Approved February 27, 1919.

SENATE JOINT MEMORIAL NO. 9.

Memorial to the Secretary of Labor, of the United States, to Take Immediate Action to Punish and Suppress the Anarchists and Revolutionary Elements of the State of Montana.

To The Hon. William B. Wilson, Secretary of Labor, Washington, D. C.

Your memorialists, the members of the Sixteenth Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent:

WHEREAS, there has long existed in the principal industrial centers of Montana, and notably in the great mining city of Butte, certain lawless elements that have made it their constant business and source of livelihood to preach to the laboring classes the doctrines of anarchy and revolution, and to arouse and inspire in them a spirit of unrest and discontent toward their employers, as well as a spirit of antagonism toward the Government of the United States; and the State of Montana in their effort to harass and impede the Government of the United States in the successful prose-

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cution of the war with Germany, to the great annoyance of the patient but patriotic people of the State of Montana; and,

WHEREAS, said lawless elements have, on account of the peculiar industrial conditions maintaining in this state since the signing of the Armistice, signed upon the present as an opportune time to enlarge their activities, and have by continuous agitation, by the distribution of propaganda, by threats of violence and open and notorious intimidation of the law-abiding laborers of Butte and other industrial centers, brought about a condition whereby the copper industry of the state is already paralyzed; and,

WHEREAS, it is apparent that unless immediate and drastic action is taken to suppress the activities of these lawless elements and to rid the State of Montana of these agitators and teachers of anarchy and revolution it cannot be long before all of the larger industries of Montana will be closed; and,

WHEREAS, large numbers of discharged sailors and soldiers have already returned to Montana seeking employment, and other large numbers are continuing daily to return, all of whom are being assisted to find employment in this State by organizations of the patriotic citizens of the state; and,

WHEREAS, if the said lawless elements are permitted to continue their activities unmolested and to carry out their program unhindered there can no longer be found positions for returning soldiers and sailors, and thousands of those now employed will be thrown out of employment, along with tens of thousands of other honest but helpless men and women; and,

WHEREAS a number of the leaders in the lawless activities herein mentioned are known to be aliens who should never have been permitted to enter this country in the first instance, and who for their crimes and misdemeanors should have long since been deported;

THEREFORE, BE IT RESOLVED, that the time has come when patience ceases to be a virtue, and when it is vitally necessary that all of the power of the state and of the nation must be exercised to suppress the activities of the lawless elements of this state, and to create conditions here whereby honest and law-abiding laboring men and women of our state may labor in peace and without intimidation, and whereby those who have recently returned or are soon to return from the service of this country, may find employment under the protection of the flag which they upheld, without being subjected, while they are at work or while seeking employment, to the menace of personal violence at the hands of cowardly traitors who lost no opportunity to strike at this country when it was at war, to insult its flag, and who today preach treason, anarchy and revolution in this country, while they laud and reverence the Bolshevists of Russia and Germany.

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We therefore most respectively request the Honorable Secretary of Labor to exert at once all of the power of his high office to protect the people of Montana from the great menace now confronting us, and to take all necessary steps to bring the leaders of these lawless elements of our state to speedy justice, and to deport all of those aliens above mentioned who, under our laws are subject to deportation.

RESOLVED FURTHER, that a copy of this memorial be wired by the Secretary of the State of Montana to the Hon. William B. Wilson, Secretary of Labor, and that a copy be forwarded by mail in confirmation thereof.

Approved February 18, 1919.

Duplicate of H. J. M. No. 9.

SENATE JOINT MEMORIAL NO. 10.

Memorializing the Congress of the United States for the Passage of Amendments to Certain Bills Now Pending in Congress, in Order to Provide a More Equitable Application of Federal Aid for Post Roads in the Sparsely Settled States, and to Provide a More Reasonable Time Limit for the Availability of Such Federal Aid.

To The Honorable Senate and House of Representatives In Congress Assembled:

Your Memorialists, the Legislative Assembly of the State of Montana, respectfully represent and petition as follows: That,

WHEREAS, There are pending in the Congress of the United States, bills known as S. 5088, S. 5098, and H. R. 13354, all of which provide for additional federal aid for post roads under the terms of the Act of Congress, Approved July 11, 1916, and commonly known as the Federal Aid Road Act, and,

WHEREAS, Section Six of said Federal Aid Road Act provides that the United States shall not co-operate in any road project in an amount greater than fifty per centum of the total estimated cost thereof, and,

WHEREAS, Although additional federal aid for road building at the present time is highly desirable, nevertheless those states having large areas and relatively small populations will be unable to avail themselves of the benefits of this Act, as amended to provide additional federal aid, without a disproportionate burden of taxation;

NOW, THEREFORE, Your memorialists urgently request that the said bills, and any other similar bills which may be introduced

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in the Congress of the United States, be so amended that Section Six of the said Federal Aid Road Act will provide that in those states where the average population per square mile of area is one hundred persons or more, based upon the census of 1910, the United States shall not co-operate in any road project in an amount greater than fifty per centum of the total estimated cost thereof; and that in those states where the average population per square mile of area, based on the census of 1910, is less than one hundred persons, the share of the United States shall be increased one-fourth of one per centum for each person, or major fraction thereof, less than one hundred per square mile, and furthermore;

WHEREAS, Section Three of said Federal Aid Road Act provides that so much of the appropriation apportioned to any state for any fiscal year as remains unexpended at the close thereof, shall be available to such state only until the close of the succeeding fiscal year; and,

WHEREAS, On account of the said provision of Section Three of said Act, local conditions existing in some states render it practically impossible to comply with the terms of the Act.

NOW, THEREFORE, Your memorialists also request that said bills now pending in Congress, and any other similar bills which may be introduced, be amended so that Section Three of the said Federal Aid Road Act will provide that so much of the appropriation to any state for any fiscal year as remains unexpended at the close thereof, shall be available to such state until the close of the second succeeding fiscal year; and,

BE IT RESOLVED, That a copy of this Memorial be transmitted by the Secretary of the State, of the State of Montana to the Senators and Representatives in Congress from the State of Montana, with a request that they use every effort within their power to bring about the enactment of such legislation.

Approved March 4, 1919.

SENATE JOINT MEMORIAL NO. 11.

"A Memorial Asking for Reduction of Home Seeker Rates to Montana From Eastern Points."

To Honorable Carter Glass, Secretary of the Treasury, and Director General of Railroads:

WHEREAS, in the past, it has been customary for the Railroads to give home seekers round trip tickets from Chicago and other Eastern points, for about Forty Dollars ($40.00); and

WHEREAS, at the present time, the said round trip costs in excess of Eighty Dollars ($80.00); and

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WHEREAS, it is expected that many home seekers would like to visit Montana during the coming spring, summer and fall in quest of homes, but that if this rate continues, many of them will be discouraged from making the trip;

NOW, THEREFORE, BE IT RESOLVED, that We, Your Memorialists, of the Sixteenth Legislative Assembly of the State of Montana, do earnestly petition your careful consideration of this matter with the idea, if possible, of affording Montana some relief and by reducing this home seekers round trip rate.

BE IT FURTHER RESOLVED, that the Secretary of State be, and is hereby instructed to have this Memorial prepared authentically and presented to the Senate and House of Representatives of the State of Montana.

Approved February 27, 1919.

SENATE JOINT MEMORIAL NO. 12.

A Memorial in Behalf of the Shafter Bill in Congress.

To The Honorable, the Senators and Representatives of the United States, in Congress assembled;

WHEREAS, it has been brought to the attention of the Sixteenth Legislative Assembly of the State of Montana, that there has heretofore been introduced in Congress a measure providing, among other things, that all discharged soldiers shall receive a bonus of pay from the date of discharge and which said measure is styled the Shafter Bill, and,

WHEREAS, The Legislative Assembly is of the belief that some effort should be made to provide assistance to the returning soldiers so that they may, as quickly as possible, be able to adjust themselves to the economic and industrial conditions of civil life and.

WHEREAS, The Legislative Assembly is of the belief that the Shafter Bill presents legislation toward effecting that object, now therefore be it,

Resolved that we, your Memorialists of the Sixteenth Legislative Assembly, of the State of Montana, do respectfully petition the Congress of the United States that said Shafter Bill be enacted; that the Secretary of State be instructed to transmit notice of this Memorial, properly auhenticated, to our Senators and Representatives in Congress from the State of Montana.

Approved February 27, 1919.

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SENATE JOINT RESOLUTION NO. 2.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, Congressman Gandy of South Dakota has introduced a bill in Congress, providing for the transfer of the Battle Mountain Home at Hot Springs, South Dakota, to the War Department for use as a hospital for the soldiers of the present war, and also providing for the transfer of the veterans of the Civil and Spanish American Wars to other Homes, principally to the Home at Danville, Illinois; and

WHEREAS, The Sanitarium at Battle Mountain is for the treatment of all kinds of diseases to which the old soldiers are subjected, and if they were removed to Danville, Illinois, or any of the other Homes, the old soldiers would be deprived of this treatment.

NOW, THEREFORE, BE IT RESOLVED, The House of Representatives concurring, that we, the Sixteenth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States that whatever disposition may be made of the Battle Mountain Home, that the old soldiers of the Civil and Spanish American Wars be not deprived of the benefits of the said Sanitarium;

RESOLVED, Further, that a copy of this Memorial be forwarded to our Senators and Representatives in Congress, by the Secretary of State with the request that they use every effort within their power to protect the old soldiers in their right to the benefits of the said Sanitarium.

Approved February 4, 1919.

SENATE JOINT RESOLUTION NO. 3.

"Relating to Employment of Soldiers."

WHEREAS, The sudden termination of the great international conflict, has brought the people of the United States of America to a condition unparalleled in the history of the Nation, and,

WHEREAS, The lack of markets to which normal trade has access, must necessarily bring about a general condition of unemployment which will result in an unusual unrest in the land.

NOW THEREFORE BE IT RESOLVED, That the 16th Legislative Assembly of the State of Montana, both houses concurring, respectfully petition the Boards of County Commissioners of the various counties of the State, the various city councils and the Boards of School Trustees of the State of Montana, to immediately adopt a liberal construction program, anticipating if necessary their

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needs for an advance period, to the end that employment may be given to returning soldiers or the people who were displaced by their return. Petitioning further, that said Boards and Councils give the widest publicity to this matter, outlining to their constituents the patriotic necessity for such program.

BE IT FURTHER RESOLVED, That a copy of this resolution duly authenticated by the secretaries of the Senate and House, be forwarded to the various boards and councils enumerated.

Approved March 3, 1919.

SENATE JOINT RESOLUTION NO. 5.

WHEREAS, the Congress of the United States passed a law enabling the President of the United States to carry out the guaranteed price for wheat produced in the year nineteen hundred and nineteen; and to protect against undue enhancement in price; and,

WHEREAS, the Committee on Agriculture of the House of Representatives have reported an amendment to the Guaranteed Wheat Price Bill, providing that the guaranteed price shall be effective only until the 31st day of October, nineteen hundred and nineteen instead of until December 31st, nineteen hundred and nineteen as the original law provided; and,

WHEREAS, by the reduction of this limit of time of the guaranteed wheat price it will work great injustice and irreparable injury to the wheat producers of the State of Montana, in that the producers of wheat in the State of Montana cannot harvest and market their crops for the year nineteen hundred and nineteen within the limit now sought to be placed for the guarantee of wheat prices; and,

WHEREAS, the limit of time, to-wit, October 31st, nineteen hundred and nineteen, will enable wheat producers of the states situated in warmer climates to dispose of their wheat within the time limit proposed and thus receive the benefit of the guaranteed wheat price, and it will result in further unjust discrimination in favor of the States more favorably located as to climatic conditions, to the injury of the wheat producers in the State of Montana;

NOW, THEREFORE, BE IT RESOLVED, that the Senate of the State of Montana, the House of Representatives concurring, do protest against the changing of the time limit for guaranteed wheat prices to October 31st, nineteen hundred and nineteen, as being an unjust discrimination against the wheat producers of Montana; and,

BE IT FURTHER RESOLVED, that we most respectfully urge upon the Senators and Representatives of the State of Montana,

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that they use every effort to defeat the reducing of the time limit of the guaranteed prices to the end that the wheat producers of the State of Montana and of the Northwest be given a fair and equal opportunity to compete with the wheat producers of other sections of the United States.

BE IT FURTHER RESOLVED, that the Secretary of State of Montana be directed to transmit by wire the Resolution to the Senators and Representatives of the State of Montana at Washington, and to the Speaker of the House of Congress, and to the Legislative Assembly of the States of Washington, Idaho, Oregon, North and South Dakota, and Minnesota.

Approved February 21, 1919.

SENATE JOINT RESOLUTION NO. 6.

To The Honorable Secretary of Agriculture of the United States, Washington, D. C.:

WHEREAS, the Department of Agriculture of the Government of the United States had adopted and promulgated various specifications for the grading and inspection of grain under the authority of an Act of Congress known as the Federal Grain Standards Act; and,

WHEREAS, under the specifications of the grain grading inspection as provided, the amount of moisture allowance and deduction is greater than is warranted from the facts, and thus results in the deduction of greater value being taken from the grower of grain than is equitable and just; and,

WHEREAS, the variation of moisture allowed in the specification of grain inspection is such that it results in an unjust discrimination against the growers of winter wheat; and,

WHEREAS, the test weight of #1 spring wheat compared with #1 hard winter wheat per bushel is so arranged that it permits of an unfair and unjust discrimination being made by the purchasers of grain against the grain growers; and,

WHEREAS, the test weight of #1 spring wheat is set at 58 pounds and of #1 hard winter wheat is set at 60 pounds, and that the difference in test weight is unfair and unreasonable and works an injustice to the growers of #1 hard winter wheat, the test weight of #1 hard winter wheat should be reduced to the same test weight as number 1 Northern spring wheat; and,

WHEREAS, under the said grain inspection Act the vitrous contents of #1 hard winter wheat is set at a higher percentage than for #1 Northern spring wheat, and thereby results in discrimination against the grower of #1 hard winter wheat; and,

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WHEREAS, that by reason of these standards of grading and testing which result in unjust discrimination against the growers of wheat in the State of Montana to their loss and detriment of about seven cents a bushel, which sum aggregates approximately $2,000,000.00 per year;

THEREFORE, BE IT RESOLVED; by the Senate, the House concurring, of the 16th Legislative Assembly of the State of Montana; that we petition the Department of Agriculture of the Government of the United States that after due investigation it make such changes in the Rules and Regulations of the grading and testing of wheat under the Grain Standards Act so that the same may be more just and equitable to the growers of grain of the State of Montana.

BE IT FURTHER RESOLVED, that the Secretary of State of Montana be directed to prepare and forward copies of the above resolution to the Secretary of the Department of Agriculture of the United States and to the senators and representatives of the State of Montana, in Washington, D. C.

Approved February 27, 1919.

SENATE JOINT RESOLUTION NUMBER 7.

A Joint Memorial to the Congress of the United States, Asking That the Blackfeet Indian Reservation Be Opened to Exploration and Location for Minerals.

WHEREAS the Congress of United States a number of years ago enacted a law providing for the opening of the Blackfeet Indian Reservation in Montana to settlement, but it appearing that the provisions of said law have not been carried into effect and it further appearing that the progress and development of Northern Montana is being retarded by reason of restrictions upon the exploration and development of mineral resources of a large section of territory;

NOW THEREFORE your Memorialists, the Senate and House of Representatives of the State of Montana, respectfully ask the Senate and House of Representatives of the United States that Legislation opening the Blackfeet Indian Reservation to exploration, location and development of the lands bearing gold, silver, lead, and other minerals, be enacted at the present session of Congress.

RESOLVED that a copy of this memorial be telegraphed by the Secretary of the Senate and the Speaker of the House of Representatives to the Senators and Congressmen representing the state of Montana in the Congress of the United States.

Approved March 4th, 1919.

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SENATE JOINT RESOLUTION NO. 8.

"A Resolution Requesting the People of the State of Montana to Observe the Fourth Saturday in September as "American Indian Day."

WHEREAS, a resolution has been adopted by over 300,000 American Indians in the United States, including 12,000 American Indians in the State of Montana, requesting the Governor and Legislative Assembly of the State of Montana, to set aside the fourth Saturday in September, called the Hunting Moon in the Indian calendar as a legal holiday in Montana.

WHEREAS, inasmuch as the American Indian is the "First American," and has proven himself at all times to be a loyal American and has fought under the stars and stripes in all the wars of our Country and in the present World War out of the 300,000 American Indians in the United States they have contributed 9,000 of their best young men to the armed forces of our country besides contributing $2,000,000.00 to the American Red Cross and investing over $50,000,000 in Liberty Bonds.

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Sixteenth Legislative Assembly of the State of Montana, the House of Representatives concurring, that in view of the foregoing that this Assembly record themselves in favor of the observance of the Fourth Saturday in September as "American Indian Day" and request that the Superintendent of Public Instruction assist and request the observance of "American Indian Day" in all the public schools of the state by appropriate exercises whenever possible on the day preceding, and we further request that whenever possible that all colleges and private schools, churches, patriotic orders and other orders and societies observe by appropriate exercises "American Indian Day" and that publicity concerning the same be given by the press of the State.

Approved March 7, 1919.

HOUSE JOINT MEMORIAL NO. 1.

"A Memorial to the Senate of the United States to pass an Amendment to the Federal Constitution and Submit the same to the Several Sates for Ratification, Extending the Right of Suffrage to the Women Citizens of the United States of America."

To The Honorable Senate of the United States of America:

Your memorialists, the members of the 16th Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent:

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WHEREAS, It appears that a majority of the people of the United States of America are in favor of extending the right of suffrage to the women citizens of the United States of America, and,

WHEREAS, there is now pending before the Senate of the United States a measure proposing an amendment to the Federal Constitution designed to effect such extension of suffrage,

NOW THEREFORE, be it resolved by the House, the Senate concurring, that we, the members of the 16th Legislative Assembly of the State of Montana, do hereby petition and earnestly pray the Senate of the United States that such measure proposing an amendment to the Federal Constitution so extending the right of suffrage, be passed and submitted to the several States for ratification; and

RESOLVED FURTHER, that a copy of this memorial be forwarded by the Secretary of State of Montana to the Senate of the United States, and that copies hereof be transmitted by the Secretary of State of Montana to the Montana Senators in the Congress of the United States.

Approved January 23, 1919.

HOUSE JOINT MEMORIAL NO. 2.

To His Excellency, the President of the United States, and to the Honorable the Senate and House of Representatives of the United States of America, in Congress Assembled:

WHEREAS, The successful termination of the present world war was largely brought about by the timely participation in the struggle of the land and naval forces of the United States, and

WHEREAS, the United States, in taking up arms against the Central Powers, sought no selfish dominion or indemnities but waged war in defense of the smaller nationalities and to further the abolition of future international wars, and

WHEREAS, the President of the United States in conducting the negotiations leading to an armistice and consequent cessation of bloodshed, laid down certain fourteen propositions, some of particular and others of general application, which fourteen propositions, having been accepted by the Allied Governments and the Central Powers, constituted, and do still constitute, a solemn and binding contract and agreement between the former belligerents and by reason of their general acceptance have now risen to the dignity of international law, and

WHEREAS, one of the fourteen propositions of general application acquiesced in and agreed to as a condition of averting further carnage and now generally accepted by all enlightened and liberty-

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loving nations, is the right of self-determination of subject peoples involving the vindication of the American principle that governments derive their just powers from the consent of the governed.

BE IT THEREFORE RESOLVED by the Sixteenth Legislative Assembly of the State of Montana, the Senate and House Concurring, that the President of the United States and the Senate and House of Representatives in Congress assembled be, and by these presents, are, memorialized and requested to instruct America's delegates to the peace conference to advocate at said conference the application of the principle of self-determination and self-government to Ireland and the Irish people, according to the liberal rules applied to other nationalities and national aspirations. In our judgment nothing will be more conducive to the continuance of cordial relations between ourselves and our international neighbors than a settlement of the centuries-old Irish question according to principles now dominant everywhere in the civilized world and in keeping with the natural rights of man.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House be instructed to forward forthwith a copy of this Memorial to the President of the United States and to Montana's Representatives in the lower house at Washington, and that the Secretary of the Senate be likewise instructed to forward a copy of the same to Montana's representatives in the United States Senate.

Approved February 11, 1919.

HOUSE JOINT MEMORIAL NO. 3.

"A Memorial to the Senate and House of Representatives Praying for the Passage of such Legislation as may be necessary for the Continuance of the United States Employment Service."

To The Honorable Senate and House of Representatives in Congress of the United States Assembled:

WHEREAS, the United States Government has established offices of the United States Employment Service throughout the State of Montana serving the people of the entire state; and,

WHEREAS, the United States Employment Service, which was created and extended as a solution to the labor employment problems growing out of wartime conditions, has proven its worth to the people of the State of Montana and has been, and is, of material value and assistance both to employers in securing labor when workers are wanted and to labor when employment is sought; and,

WHEREAS, the people of Montana believe that the usefulness of the United States Employment Service will not cease with the

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termination of the war but, rather, that its fields of service will constantly become broader and more beneficial to the public;

NOW, THEREFORE, BE IT RESOLVED, By the Sixteenth Legislative Assembly of the State of Montana, that we do hereby petition and earnestly pray the Honorable Congress of the United States for the passage of such legislation as may be necessary for the continuance of the United States Employment Service, and

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded by the Secretary of State of the State of Montana to the Senate of the United States, and that copies of this Memorial be forwarded by the Secretary of State of the State of Montana to the House of Representatives of the United States, and that copies thereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress of the State of Montana with the request that they use every effort within their power to bring about an accomplishment of the ends and purposes herein indicated.

Approved February 18, 1919.

HOUSE JOINT MEMORIAL NO. 5.

Memorial to Congress of the United States to Enact such Legislation as may be necessary to Permit the Honorably Discharged Soldier, Marine or Sailor to Retain in his Possession such Clothing as under the provisions of Paragraph 1165, Army Regulations, he is Permitted to take to his Home.

To The Honorable Senate and House of Representatives in the Congress of the United States of America:

Your memorialists the members of the Sixteenth Legislative Assembly of the State of Montana, the Senate and House concurring respectfully represent:

WHEREAS: "Under the provisions of paragraph 1165, Army Regulations, an enlisted man honorably discharged is permitted to wear one suit of uniform outer clothing from the place of termination of his active service to his home, which clothing will be returned within four months after termination of his active service, by mail under a franked label:"

WHEREAS: The soldiers, marines and sailors who have been or now are in the service of the United States that the world might be made safe for democracy, willingly went forth to defend the principles of freedom and right, knowing that they might at any time be required to make the supreme sacrifice:

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WHEREAS: These soldiers, marines and sailors have taken much pride in their uniforms and wish the privilege of keeping them in their possession:

NOW THEREFORE BE IT RESOLVED, By the House, the Senate concurring, that we, the Members of the Sixteenth Legislative Assembly of the State of Montana, do hereby petition and earnestly pray the Congress of the United States to enact such legislation as may be necessary to change the provisions of paragraph 1165, Army Regulations, and make it possible for an honorably discharged man to retain "One suit of uniform outer clothing."

RESOLVED FURTHER, That a copy of this Memorial be forwarded by the Secretary of State of Montana to the Senate and to the House of Representatives of the United States; and, that copies hereof be transmitted by the Secretary of the State of Montana to the Senate and Representatives of Montana in Congress.

Approved February 11, 1919.

HOUSE JOINT MEMORIAL NO. 6.

Praying that the House of Representatives of the United States of America, in Congress Assembled, Enact into Law Senate Bill No. 940 now Pending in That Honorable Body.

To The Honorable House of Representatives in the Congress of the United States Assembled:

WHEREAS there is now pending before you Senate Bill number 940 introduced by the Honorable H. L. Myers, Senator from Montana, providing for the payment for certain lands within the former Flathead Indian Reservation in the State of Montana; and

WHEREAS this Bill provides a just and fair solution of the controversy over the appraisal of more than eleven hundred acres of land on the former Flathead Indian Reservation in the State of Montana, now occupied by approximately two hundred actual and bona fide settlers and home builders, which land has been appraised at approximately sixty-five thousand ($65,000) dollars more than the settlers and home builders had good and suffiicent reason to believe would be the appraisal of these lands; and

WHEREAS the settlement embodied in the said Senate Bill number 940 would be entirely just and fair not only to the settlers on the lands in question, but also to the Indians whose funds and rights are affected; and

WHEREAS the Bill is recommended by the Honorable Franklin K. Lane, Secretary of the Interior, and by the Honorable William H. Ketcham, Member of the Board of Indian Commissioners, which Board made a special investigation of the appraisal sought to be

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corrected by the said Senate Bill number 940, and the approvals of these high officials have been set forth in the report of the Senate Committee on public lands dated March 20, 1916 and accompanying Senate Bill number 1059; and

WHEREAS we the Legislative Assembly of the State of Montana feel satisfied that the settlers on the former Flathead Indian Reservation are fairly and justly entitled to relief afforded by Senate Bill number 940 now before you;

NOW, THEREFORE, BE IT RESOLVED by the Sixteenth Legislative Assembly of the State of Montana, that we do hereby petition and earnestly pray you the Honorable House of Representatives of the United States to enact into law the said Senate Bill number 940 to the end that justice may prevail;

AND, BE IT FURTHER RESOLVED that copies of this Memorial be forwarded by the Secretary of State of the State of Montana to the House of Representatives of the United States, and to our Senators and Representatives in Congress.

Approved March 1, 1919.

HOUSE JOINT MEMORIAL NO. 7.

"A Memorial to the Honorable Senate and House of Representatives Praying for the Passage of the Educational Bill Known as Senate Bill No. 4987."

WHEREAS: This Bill (S4987) is designed to remedy in a constructive way existing defects in our public school system defects which have existed for years but of which our participation in the world war has made us keenly conscious: and,

WHEREAS: This Bill, by its provisions for the removal of illiteracy, the Americanization of immigrants, the equalization of educational opportunities, the establishment of physical and health education, and the preparation of teachers, recognizes the cooperative responsibility and provides for the cooperative action of communities, States, and the Nation in carrying on with greater effectiveness than ever before those types of education that are fundamental for individual, community, State, and National welfare: and,

WHEREAS: This Bill also provides for the creation of an Executive Department of Government to be known as the Department of Education, with a Secretary who is to be a member of the President's Cabinet—thus furnishing a proper National agency for carrying out the provisions of the Bill and for the unifying of all the educational activities, which the nation is now carrying on—and thus giving the education a new sanction—a sanction which it ought to have because of its service to our Nation: and,

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WHEREAS: And finally, the Bill will translate into social reality and thus assure to the future the idealism with which and for which our country went in war:

NOW, THEREFORE, BE IT RESOLVED, BY THE SIXTEENTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA, That we do hereby petition and earnestly pray the Honorable Senate and House of Representatives of the United States for the passage of Senate Bill No. 4987 now pending before it, and,

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded by the Secretary of the State of Montana to the Senate of the United States, and that copies of this Memorial be forwarded by the Secretary of State of the State of Montana to the House of Representatives of the United States, and that copies thereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress of the State of Montana with the request that they use every effort within their power to bring about the passage of Senate Bill No. 4987.

Approved February 21, 1919.

HOUSE JOINT MEMORIAL NO. 9.

"Memorial to the Secretary of Commerce and Labor, of the United States, to take Immediate Action to Punish and Suppress the Anarchists and Revolutionary Elements of the State of Montana.

To The Hon. William B. Wilson, Secretary of Commerce and Labor, Washington, D. C.

Your memorialists, the members of the Sixteenth Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent:

WHEREAS, there has long existed in the principal industrial centers of Montana, and notably in the great mining city of Butte, certain lawless elements that have made it their constant business and source of livelihood to preach to the laboring classes the doctrines of anarchy and revolution, and to arouse and inspire in them a spirit of unrest and discontent toward their employers, as well as a spirit of antagonism toward the Government of the United States; and the State of Montana in their effort to harass and impede the Government of the United States in the successful prosecution of the war with Germany, to the great annoyance of the patient but patriotic people of the State of Montana; and,

WHEREAS, said lawless elements have, on account of the peculiar industrial conditions maintaining in this state since the singing of the Armistice, seized upon the present as an opportune time to enlarge their activities, and have by continuous agitation, by

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the distribution of propaganda, by threats of violence and open and notorious intimidation of the law-abiding laborers of Butte and other industrial centers, brought about a condition whereby the copper industry of the state is already paralyzed; and,

WHEREAS, it is apparent that unless immediate and drastic action is taken to suppress the activities of these lawless elements and to rid the State of Montana of these agitators and teachers of anarchy and revolution it cannot be long before all of the larger industries of Montana will be closed; and,

WHEREAS, large numbers of discharged sailors and soldiers have already returned to Montana seeking employment, and other large numbers are continuing daily to return, all of whom are being assisted to find employment in the State by organizations of the patriotic citizens of the state; and,

WHEREAS, if the said lawless elements are permitted to continue their activities unmolested and to carry out their program unhindered there can no longer be found positions for returning soldiers and sailors, and thousands of these now employed will be thrown out of employment, along with tens of thousands of other honest but helpless men and women; and,

WHEREAS, a number of the leaders in the lawless activities herein mentioned are known to be aliens who should never have been permitted to enter this country in the first instance, and who for their crimes and misdemeanors should have long since been deported;

THEREFORE, BE IT RESOLVED, that the time has come when patience ceases to be a virtue, and when it is vitally necessary that all of the power of the state and of the nation must be exercised to suppress the activities of the lawless elements of this state, and to create conditions here whereby honest and law-abiding laboring men and women of our state may labor in peace and without intimidation, and whereby those who have recently returned or are soon to return from the service of this country, may find employment under the protection of the flag which they upheld, without being subjected, while they are at work or while seeking employment, to the menace of personal violence at the hands of cowardly traitors who lost no opportunity to strike at this country when it was at war, to insult its flag, and who today preach treason, anarchy and revolution in this country, while they laud and reverance the Bolshevists of Russia and Germany.

We therefore most respectfully request the Honorable Secretary of Labor and Commerce to exert at once all of the power of his high office to protect the people of Montana from the great menace now confronting us, and to take all necessary steps to bring the leaders of these lawless elements of our state to speedy justice,

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and to deport all of those aliens above mentioned who, under our laws, are subject to deportation.

RESOLVED FURTHER, that a copy of this memorial be wired by the Secretary of the State of Montana to the Hon. William B. Wilson, Secretary of Commerce and Labor, and that a copy be forwarded by mail in confirmation thereof.

Approved March 1, 1919.

Duplicate of S. J. M. No. 9.

HOUSE JOINT MEMORIAL NO. 10.

A Resolution Memorializing Congress for the Passage of Necessary Legislation Providing for the Deportation of Undesirable Foreigners who claimed Exemption from Military Service on the Ground of Being a Citizen or Subject of a Neutral Country.

To The Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, during the recent World War many registrants under the selective service regulations of the United States Government claimed deferred classification upon the ground that they were citizens or subjects of a neutral country, and in many instances such registrants became relieved from liability to military service by withdrawing their intention to become citizens of the United States; and

WHEREAS, practically all of such aliens came to this country for the purpose of securing the protection of the American Flag and enjoying the fruits of liberty and the benefits of a constitutional government, and by their conduct have shown that they are unworthy of becoming citizens of the United States of America; and

WHEREAS, many of such aliens are now conspiring or are members of organizations whose underlying, if not their ostensible purpose, is to overthrow our present form of government and to destroy every tradition and right that is sacred to the American people, either peaceably or by bloodshed if necessary, and to substitute for a government of law and order, with individual rights of citizens, guaranteed by the constitution and by the courts, a condition of anarchy and revolution; and

WHEREAS, all of such aliens are dangerous and undesirable residents in this country and are totally unfit to associate with law-abiding persons or to live in a peace-loving nation;

NOW, THEREFORE, BE IT RESOLVED by the Legislative Assembly of the State of Montana that we do hereby petition the Congress of the United States for the passage of necessary legisla-

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tion prohibiting all such dangerous and undesirable aliens from ever becoming citizens of the United States of America and authorizing their immediate deportation to the country of which they are citizens or subjects; and

BE IT FURTHER RESOLVED, that a copy of this Memorial be transmitted by the Secretary of State of the State of Montana to both Houses of the National Congress and to the Senators and Representatives in Congress from the State of Montana, with the request that they use every effort within their power to bring about the enactment of such legislation.

Approved March 4, 1919.

HOUSE JONIT MEMORIAL NO. 11.

"Petition to the Congress of the United States Asking for a Three Million ($3,000,000) Dollars Appropriation for the Flathead Irrigation Project, in the State of Montana, for the Years 1919 and 1920, to the End That the Said Project may be Speedily Completed and That a Considerable Amount of Work May be Provided for Returning Soldiers and Sailors."

To The Honorable Senate and House of Representatives in the Congress of the United States Assembled:

Section 1. We, the Sixteenth Legislative Assembly of the State of Montana, the House and the Senate concurring, do hereby most respectfully set forth:

That the Flathead Irrigation Project in the State of Montana has made slow progress on account of the uncertainty and insufficiency of the Congressional Appropriations; and that this slowness of progress has brought about a heavy increase in the construction cost, and has resulted in financial loss, hardships and suffering to numerous settlers and homemakers waiting for the water to become available; that

This project is in the hands of highly efficient management capable of conducting the prosecution of this work on a large scale both economically and scientifically; that

The problem of furnishing useful employment for returning soldiers and sailors is both a national and a state problem, highly patriotic in character and stupendous in its magnitude and importance; and that the vigorous prosecution of this irrigation project would furnish a considerable amount of work for our returning soldiers and sailors.

Section 2. In consideration of the facts set forth in Section one hereof,

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We, the Sixteenth Legislative Assembly of the State of Montana, the House and the Senate concurring, do hereby respectfully petition the Congress of the United States to appropriate the sum of Three Million ($3,000,000) Dollars for the prosecution of the Flathead Irrigation Project during the years 1919 and 1920.

Section 3. It is hereby directed that the Secretary of State, of the State of Montana, transmit copies of this Memorial to the President of the Senate and to the Speaker of the House of Representatives of the United States and to our Senators and Representatives in Congress.

Approved March 1, 1919.

HOUSE JOINT MEMORIAL NO. 14.

"Memorializing Congress of the United States to Pass the Smith-Bankhead Americanization Bill."

To The Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, There are eight millions of illiterates and non-English speaking people in the United States,

AND WHEREAS, The war has demonstrated some of our dangers from the large numbers of our foreign-born citizens who have not been definitely assimilated or Americanized and has brought forth thousands upon thousands of men, native born Americans for many generations, who can not read or write,

AND WHEREAS, these eight million people must be educated at least sufficiently to read an American newspaper and to know something of what it means to be an American,

AND WHEREAS, There is now pending in Congress the Smith-Bankhead Americanization Bill which directs the Bureau of Education to co-operate with the several states in the education of the above mentioned peoples and in the preparation of teachers for the work.

NOW, THEREFORE, Be it Resolved by the House of Representatives, the Senate concurring, That the Sixteenth Legislative Assembly of the State of Montana do earnestly petition the Congress of the United States to pass Senate Bill #5464 and House Bill 15402.

BE IT FURTHER RESOLVED, That the Secretary of State be and is hereby instructed to transmit copies of this Memorial to the Chairman of the Committee on Education and Labor in the United States Senate and to the Chairman of the Committee on Education in the House of Representatives and to our Senators and Representatives in the United States Congress.

Approved March 1, 1919.

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HOUSE JOINT MEMORIAL NO. 15.

A Memorial to Congress Asking Congress to Appropriate a Sum of Money for the Building of a Hard Surfaced Road Through the Northern Portion of the Yellowstone Park, Leading From Gardiner, Montana, to Cooke City, Montana, or to Dedicate a Strip of Ground Through the Yellowstone Park for Such Road.

To The Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS, Congress did set aside and reserve land from the territories of Montana and Wyoming, in the year 1872 for the purpose of preserving to the people of the United States the wonderful scenic and unusual natural phenomena therein contained, which said reservation of land constitutes the Yellowstone National Park;

And, WHEREAS, the Act dedicating this land as the said park was so worded as to prevent the use of said park for commercial use or purpose of private gain, it being under the direction of the Interior Department of our government, and maintained in large part by annual appropriations for the Yellowstone National Park, made by the Congress of the United States, which said appropriations are never in excess of the minimum needs of the administration of said park as at present operated for the enjoyment of tourists visiting the locations of greatest interest and scenic beauty;

And, WHEREAS, there was discovered in 1871 a mineral area situated a few miles northeast of the northeast corner of said park, of most promising prospect, which said mineral area is known as the New World Unorganized Mining District, Park County, Montana, and is approximately an area ten miles east and west by fifteen miles north and south and situated entirely within the boundary of the said county of Park, of the State of Montana;

And, WHEREAS, since the year of this discovery there has been great labor and money expenditures in said district in prospecting and developing the same, there having been made as many as six thousand mineral locations in said district and there having been expended in attempts to develolp the same approximately three million dollars; and as a result of said attempts to develop said district there has been proved the existence of valuable deposits of gold, silver, lead, copper and many other minerals of slightly greater value than the average of such minerals as are mined and exported at a profit from other mining districts closer to transportation;

And, WHEREAS, it has been impossible for the owners of said claims to make a profit from their mining operations in said district, owing to the bad road conditions existing between the said mining district and its nearest shipping point, viz., Gardiner, Montana, a distance of fifty-six miles, of which distance fifty miles lies

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within the boundaries of the Yellowstone National Park and therefore all traffic over said portion of said route being under the rules of the Department of the Interior, and half of said road being the tourist route, with many long and heavy grades thereon, rendering its use by ore trucks, during the tourist season in particular, very difficult;

And, WHEREAS, after a careful investigation and inspection by competent mining men and engineers from all over the United States of the said mining district and of the means and directions of ingress and egress from said district, it is the unanimous opinion that said district will become a large and prosperous one if afforded adequate transportation facilities which would enable it to more cheaply develop the many promising mining prospects situated within the said district, and known to contain large deposits of most valuable minerals; and further that the most feasible, practical, and only present method of improving said transportation facilities is the building of a hard surfaced motor road on water grade through the Yellowstone National Park from Gardiner, Montana, to the commercial center of the said New World Mining District, Cooke, Montana, which said water grade road should follow in general the north bank of the Yellowstone River from Gardner, Montana, to a point opposite the Tower Falls Station in the Yellowstone National Park, a distance of about twenty miles; from which point it would proceed up the Lamar River on its north bank, a distance of sixteen miles to the mouth of Soda Butte Creek; from which point it would proceed up the Soda Butte Creek to the northeast boundaries of the said Yellowstone National Park, a distance of fourteen miles and approximately three miles from Cooke, Montana, from which point it would proceed up the Soda Butte Creek to Cooke, a distance of approximately three miles, which said three miles lies wholly within the boundaries of Park County, Montana;

And, WHEREAS, it further appears that the portion of this route lying within the boundary of the Yellowstone National Park can be cheaply and quickly built at a moderate cost per mile, and laid on a grade not exceeding three per cent. in any place; and that motor trucks operated on such a hard surface road could haul supplies and ore to and from the said mining district at such a reasonable cost as would enable the said mining district to quickly and economically develop its vast resources, adding the same to the mineral wealth of our great state,

And, WHEREAS, it further appears that this district is so situated as to make the only practical route by which adequate transportation facilities can be afforded at this time, that through the Yellowstone National Park hereinbefore mentioned and described: that all other possible routes, two in number, one being from Columbus, Montana, up the Stillwater River, a distance of ninety-eight miles, the upper twenty miles being over 8500 feet above sea level:

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the other being from Belfry, Montana, up the Clarkes Fork River to Cooke, a distance of one hundred and fifteen miles, through extremely mountainous country on its upper fifty miles, have been most carefully investigated and that construction costs on same are so enormous as to render the same prohibitive at this time, and prohibitive at any time until there shall have been developed and proven within this district such vast reserves of ore as would cost many years of work and millions of dollars to develop, all of which would of necessity be done at a tremendous loss, unless more adequate transportation facilities were afforded the district while the same was being done;

And, WHEREAS, in the past many thousands of dollars have been expended by the property owners of the district in endeavoring to secure from Congress rights to build railroads, etc., to the said district through the Yellowstone National Park, along the route heretofore described in this memorial, all of which said efforts have served only to prove that it is impossible for private individuals to so obtain the relief prayed for, and to further convince those owning property in the district, that it would be impossible to finance the building of such a road through the boundaries of the Yellowstone National Park on any permit which is now within the authority of the Secretary of the Interior to grant, owing to the fact that such permit of necessity, under the laws of Congress dedicating this park, be subject to revocation by the said Secretary of the Interior at his will and pleasure, making it a matter of such extreme jeopardy, to anyone who might invest his money in such an enterprise, as to make it impossible to obtain sufficient funds for such purpose from the investing public or from any business person or corporation;

And, WHEREAS, it further appears that the building and operation of such a motor route as hereinbefore described in the memorial, would in no way or sense interfere with or destroy any of the scenic beauties of the said Yellowstone National Park or do any damage to the said park, or to the many species of wild game, which so abundantly live and flourish within its boundaries, but would on the contrary make the administration of the said park and its enjoyment by the visitors touring the same, more pleasurable and profitable; and that the government of the United States, in the building and maintaining of such a road and charging a reasonable toll per ton for the transportation of ore and supplies thereon, would in a few years have such a large income from the road alone as would probably make the Yellowstone National Park self sustaining;

NOW, THEREFORE, be it RESOLVED: By the Senate and House of Representatives of the State of Montana, that Congress be requested to appropriate as soon as possible a sufficient sum not in excess of fifteen hundred thousand dollars ($1,500,000) with which

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to build that part of this road which lies within the boundaries of the said Yellowstone National Park, as hereinbefore described; that the road be built with a hard surface, adapted to withstand the destruction of heavy motor trucks operating thereon, and that it be built with such surface, at least twenty feet wide;

Or, that Congress dedicate a strip of ground two hundred feet wide along the route hereinbefore described, within the boundaries of the Yellowstone National Park, which said strip shall be available for the permanent use of the New World Unorganized Mining District, for the purpose of building a motor road thereon, subject to such rules, for the use of the same as shall be equitably suited to its needs and established by the Secretary of the Interior, but not subject to revocation for such permanent use by the Secretary of the Interior.

And it is further RESOLVED: That the Secretary of State be, and is hereby instructed to transmit copies of this memorial properly authenticated, to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress from the State of Montana.

Approved March 4, 1919.

HOUSE JOINT MEMORIAL NO. 16.

To The Railroad Administration of the United States, and to the Honorable Walker D. Hynes, Director General Thereof:

WHEREAS, the great Northwest, of which Montana is a prominent part, offers a great field for agricultural and industrial development; and,

WHEREAS, the opportunities have long been recognized by the railroads of the United States, and to aid in the development of the railroad interests, as well as the states of Wyoming, Oregon, Washington and particularly Montana, attractive railroad rates have heretofore been offered, known as homeseekers' rates; and,

WHEREAS, Montana is anxious to provide thousands of homes for the unemployed and for the returned soldiers, sailors and marines, who have been engaged in the military service of their country; and,

WHEREAS, a reduced homeseekers' rate would operate beneficially for the development of Montana, as well as to those who might seek homes and investments within our magnificient state:

NOW, THEREFORE, Be it Resolved By the House of Representatives, the Senate concurring, that the Sixteenth Legislative Assembly of the State of Montana do earnestly request and petition the Railroad Administration of the United States and the Director General thereof to reestablish for the benefit of the homeseekers'

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and for the benefit of the development of the group of great northwestern states, and particularly Montana, a reduced homeseekers' rate as nearly as practicable in conformity with the rates in effect by the Railroad Companies of the Northwest prior to the time that said railroads were taken into control by the Railroad Administration of the United States; and,

Be it Further Resolved, that the Secretary of State be and he is hereby instructed to transmit a copy of this memorial to the Railroad Administration of the United States and to the Honorable Walker D. Hynes, Director General thereof.

Approved March 4, 1919.

HOUSE JOINT RESOLUTION NO. 3.

WHEREAS, the introduction of bills for the creation of new counties, if continued late in this session, is apt to take up a considerable amount of time from the consideration of other important matters later in the session, which time should be devoted to the consideration of matters of more general importance to the State,

BE IT RESOLVED by the House of Representatives, the Senate concurring, that it be the sense of the Sixteenth Legislative Assembly that no new county measures shall be introduced or entertained in either house after Monday, January the 27th;

PROVIDED, HOWEVER, that this Resolution shall not be construed to prevent the consideration of new county bills or amendments thereof already introduced at this session.

BE IT FURTHER RESOLVED, that the House Committee on Rules be instructed to confer with a like committee of the Senate for the purpose of formulating a joint standing rule limiting the time, in conformity with this Resolution, in which new county measures may be introduced.

Approved January 31, 1919.

HOUSE JOINT RESOLUTION NO. 4.

Being a Resolution Petitioning the Speaker of the House of Representatives in Concurrence with the President of the Senate, to Appoint Three Members of the House, to Act Jointly with Three Members of the Senate, in Forming an Investigation Committee for the Purpose of Investigating Certain of our State Institutions.

WHEREAS, it seems desirable to the Sixteenth Legislative Assembly that certain of our State Institutions should be investigated before the close of the Session, and the report of their conditions should be received by the Legislators.

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BE IT RESOLVED by the House of Representatives of the Sixteenth Legislative Assembly, the Senate concurring, that the Speaker of the House shall appoint three members from the House membership who shall act in conjunction with three members of the Senate, to be appointed by the President of the Senate, which House and Senate members shall constitute a Legislative investigating committee to visit and report upon the condition and needs of such State Institutions as they may in their discretion, or when directed thereto by the Governor, see fit to visit and investigate, provided, however, that said Legislative investigating committee shall be required to visit and report upon the condition and needs of the State Orphans' Home at Twin Bridges, State School of Mines at Butte, Normal School at Dillon and State Deaf and Dumb Asylum at Boulder.

BE IT RESOLVED that so much of the contingent fund of the Sixteenth Legislative Assembly as may be necessary to defray the actual expenses of such committee is hereby set aside and appropriated for that purpose, the said money so set aside and appropriated to be available at any time after the Committee has been appointed.

Approved February 18, 1919.

The following decreed change of name was reported by Clerk of the District Court, Sixteenth Judicial District, Miles City, Montana.

Original name: ..... Earl Cochran Schmidt
Decreed Name: ..... Earl Smith Cochran
Residence: ..... Miles City, Montana.
Date of Decree: ..... March 9, 1918.

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NOTE.

The State Law Librarian, compiler of the Index on the following pages, has endeavored, with the short time allotted to him, to arrange the same alphabetically throughout. The main heads are found in the center of the page and the subheads on the left. The matter under each main head is arranged in accordance with the alphabetical sequence until a subhead is reached, if any; the matter under the subhead is arranged in like manner until exhausted, the lines being slightly indented. Following the matter under the subhead the Index resumes the alphabetical sequence, the lines being set flush on the left margin. This arrangement is continued throughout the Index.

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